

FREEDOM OF INFORMATION  
AND  
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub A (4)



FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT

Julius Rosenberg

FILE NO.

65-15348  
SUB SEC A

VOLUME NO.

4

SERIALS

218

Thru.

291

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
218	4/6/51	N.Y. World Telegram & Sun	1	1		
219	4/6/51	Brooklyn Eagle	1	1		
220	4/6/51	N.Y. Post & Home News	1	1		
221	4/6/51	Brooklyn Eagle	1	1		
222	4/6/51	Brooklyn Eagle	2	2		
223	4/6/51	NY Herald Tribune	2	2		
224	4/6/51	N.Y. Times	3	3		
225	4/6/51	NY Times	3	3		
226	4/6/51	N.Y. Mirror	1	1		
227	4/6/51	N.Y. Mirror	1	1		
228	4/6/51	N.Y. Mirror	4	4		
229	4/6/51	N.Y. Compass	3	3		

\*Designated to or from Bureau and/or Albuquerque, New York

10/200

File No: 65-15348 Sub A

Re: Julius Rosenberg

Date: 2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		W	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
230	4/6/51	N.Y. Mirror	1	1		
231	4/6/51	N.Y. Herald Tribune	1	1		
232	4/6/51	N.Y. Herald Tribune	1	1		
233	4/6/51	N.Y. Herald Tribune	2	2		
234	4/6/51	N.Y. Times	1	1		
235	4/6/51	N.Y. Herald Tribune	1	1		
236	4/6/51	N.Y. World Telegram & Sun	1	1		
237	4/6/51	N.Y. Journal American	4	4		
238	4/6/51	N.Y. World Telegram & Sun	1	1		
239	4/6/51	N.Y. News	3	3		
240	4/6/51	N.Y. News	1	1		
241	4/6/51	N.Y. News	2	2		

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WLB / JLB

File No: 65-15349 Sub A.

Re: Julius Rosenberg

Date: 2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
242	4/6/51	N.Y. Post + Home News	1	1		
243	4/6/51	N.Y. Journal American	3	3		
244	4/7/51	N.Y. Journal American	1	1		
245	4/7/51	N.Y. Times	2	2		
246	4/7/51	N.Y. Daily News	1	1		
247	4/9/51	N.Y. Herald Tribune	1	1		
248	4/9/51	N.Y. World Telegram + Sun	1	1		
249	4/9/51	Brooklyn Eagle	1	1		
250	4/9/51	N.Y. Post + Home News	1	1		
251	4/9/51	N.Y. Mirror	1	1		
252	4/9/51	N.Y. News	1	1		
253	4/9/51	N.Y. Journal American	2	2		

\*Designated to or from Bureau and/or Albuquerque, New York

19/2000



File No: 65-15349 Sub A

Re:

Julius Rosenberg

Date:

2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
254	4/9/51	N.Y. Journal American	1	1		
255	4/10/51	N.Y. Mirror	1	1		
256	4/10/51	Brooklyn Eagle	1	1		
257	4/10/51	N.Y. Herald Tribune	1	1		
258	4/10/51	N.Y. News	1	1		
259	4/10/51	N.Y. Times	1	1		
260	4/12/51	N.Y. Mirror	1	1		
261	4/12/51	N.Y. Mirror	1	1		
262	4/12/51	N.Y. Times	1	1		
263	4/12/51	N.Y. Compass	1	1		
264	4/12/51	N.Y. Journal American	1	1		
265	4/12/51	N.Y. World Telegram & Sun	1	1		

\*Designated to or from Bureau and/or Albuquerque, New York

File No: 65-15348 Sub A

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(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
266	4/12/51	N.Y. News	1	1		
267	4/12/51	N.Y. News	1	1		
268	4/12/51	N.Y. News	1	1		
269	4/14/51	N.Y. Times	1	1		
270	4/14/51	N.Y. World Telegram + Sun	3	3		
270A	4/13/51	Counterattack	5	5		
271	4/4/51	N.Y. Post + Home News	1	1		
272	4/5/51	N.Y. Journal American	1	1		
273	4/5/51	N.Y. Journal American	5	5		
274	4/5/51	N.Y. World Telegram + Sun	1	1		
275	4/5/51	N.Y. Post + Home News	2	2		
276	4/5/51	N.Y. Mirror	1	1		

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WLD / WLDFile No: 65-15348 Sub ARe: Julius RosenbergDate: 2/78  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
277	4/5/51	N.Y. Compass	1	1		
278	4/5/51	N.Y. News	1	1		
279			1	1		
280	4/6/51	N.Y. Journal American	1	1		
281	4/6/51	N.Y. Compass	3	3		
282	4/6/51	N.Y. Times	1	1		
283	4/6/51	Brooklyn Eagle	2	2		
284	4/6/51	N.Y. News	1	1		
285	4/6/51	N.Y. News	1	1		
286	4/6/51	N.Y. News	3	3		
287	4/6/51	N.Y. Herald Tribune	3	3		
288	4/6/51	N.Y. Herald Tribune	1	1		

\*Designated to or from Bureau and/or Albuquerque, New York

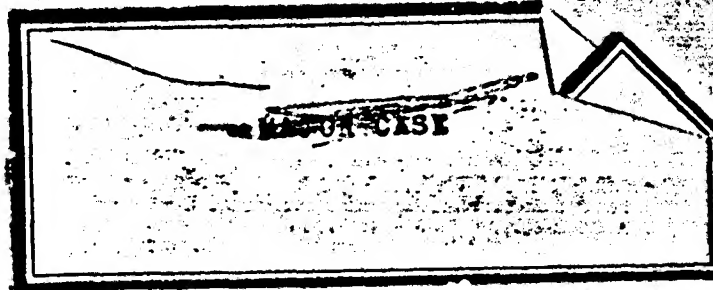




U. S. Department of Justice

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FEDERAL BUREAU  
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INVESTIGATION



See also Nos. \_\_\_\_\_  
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65-15348  
Municipal Clippings  
Subfile A

Section 4  
Sas. 218 - 291

# Chair for A-Spies Worries Sing Sing

Special to World-Telegram and Sun.

OSSINING, April 6.—Warden Wilfred Denno, of Sing Sing prison, will seek legal advice if he is asked to put to death in the electric chair atomic spies Julius and Ethel Rosenberg.

A federal prisoner has never been executed in New York, he said, and Sing Sing hasn't housed a federal prisoner since 1905.

U.S. Attorney Irving H. Saypol, who prosecuted the spies, said federal procedure is to follow the customs and laws of the states in which federal prisoners are sentenced.

Warden Denno said if the Rosenbergs are sent to Sing Sing, the U.S. marshal would have to arrange for the execution with Joseph Francel, who has a contract with the state to put prisoners to death in the electric chair. The federal government will have to pay for the upkeep of the prisoners pending appeals of the death sentences.

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SUPERVISOR  
PROPERTY CLERK  
TRAINING UNIT

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TITLE

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FROM

NY

World Telegram & Sun

DATED APR 6 1951

FORWARDED BY N. Y. DIVISION

65-15348-A-218  
F. B. I.  
APR 7 1951  
N. Y.  
TO

# Spy Sentences Bring Demands To Clarify Law

Washington, April 6 (AP)—A Congressional drive to sharpen the teeth of the nation's 34-year-old espionage act arose today in the wake of death sentences imposed on two atomic spies in New York.

Top legislators of both parties agreed that the death penalties were possible only because of "unusual" legal circumstances. They said that present laws are "inadequate" to give the nation the protection it needs.

The death sentences were imposed in New York by Federal Judge Irving R. Kaufman upon Julius and Ethel Rosenberg. Both were convicted of stealing atomic secrets for Russia during World War II.

## Would 'Re-examine' Statute

In passing sentence, Judge Kaufman pointed out that the death penalty was possible only because the offenses were committed during the war. Peacetime espionage carries a maximum penalty of 20 years imprisonment.

Kaufman urged Congress to "re-examine" the espionage statute with a view to tightening it up. He said the 20-year limit would "most likely" apply "even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer type atom bombs or even the H-bomb."

The statement was disputed by Senator Brien McMahon, (D., Conn.) chairman of the Joint Congressional Atomic Energy Committee. He said the Atomic Energy Act, which he authored, carries the death penalty—upon a jury's recommendation—for atomic espionage.

## Chills Law Loose

But Senator Bourke B. Hickenlooper, (Iowa) ranking Republican on the committee, said the Atomic Energy Act is a "very loose and ineffective approach" to the question. He said the authors of the act did not make an effort to write a criminal code for espionage.

"So its application is necessarily restricted," he said.

Hickenlooper said the espionage law should be re-examined with a view to extending the peacetime statute of limitations on the offense. At present, it runs to three years but there is no limitation on prosecution for an offense committed during wartime.

Senator John W. Bricker, (R., Ohio) said he believed the atomic committee of which he is a member, should examine the whole question.

"I hope that Judge Kaufman's sentence will cause other atomic spies to think twice before they move," Bricker said.

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# Greenglass Wife Upset By Sentences

Mrs. David Greenglass, whose husband was to be sentenced for espionage conspiracy today, said before she went to court that she didn't feel very good about the death sentences imposed on her brother-in-law and sister-in-law, Julius and Ethel Rosenberg.

"I thought that they would tell the truth in the end," she said in her third-floor apartment at 265 Rivington St. "I thought she would, anyway, because of her children. But I guess they are Soviet soldiers to the end."

Mrs. Greenglass, a tall, plump, attractive woman, added: "I testified against them, but it was not done maliciously or with any intent to harm them. I just told the truth."

She was at home minding her two boys yesterday when the Rosenbergs were condemned to death.

Mrs. Greenglass was named in the indictment as a co-conspirator, but not a defendant. Her husband, a defendant, pleaded guilty. Both testified for the government.

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NIGHT SUPERVISOR  
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DATE

FORWARDED BY N. Y. DIVISION

65-15348-A-228  
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APR 7 1951  
N. Y.  
TO

# Death Sentences for 2 Atom Spies Should Dampen Red Plots in U. S.

Federal Judge Irving R. Kaufman has rendered a notable service to his country in bringing home the seriousness of the crime of espionage by pronouncing the death penalty on two of the atomic bomb spies who were convicted before him. The third spy was given a maximum imprisonment of 30 years with a recommendation against parole.

Julius Rosenberg and his wife Ethel will get precious little sympathy as they face the electric chair, the first American citizens in history to receive the death sentence under the espionage laws.

From the prosecution's point of view it is a fortunate thing that the plottings of this couple began in 1944 when this nation was still at war. Only for overt acts committed during a period of hostilities can the death sentence be imposed.

However, Judge Kaufman expressed the opinion that the statute is inadequate as it is now on the books, limiting as it does the punishment for espionage to 30 years in prison and urged that Congress re-examine these punitive provisions. We were glad to see him point out that this issue is presented in "a unique framework of history" when this nation "is engaged in a life and death struggle with a completely different system."

Because of this challenge to our existence and the fact that the atom bomb was not even known when the

espionage statute was drawn up in 1917, we believe that the judge did well to call the attention of Congress to the situation. We hope that his advice will be followed.

Seldom has there been enacted such a dramatic court scene as when the judge excoriated the convicted trio. Plain, deliberate murder, he said, is far less than the crime they committed as he expressed the belief that their giving the atomic bomb information to Russia caused Communist aggression in Korea where thousands of Americans have already been sacrificed.

"I believe," he declared, "that you have altered the course of history and in this case unfavorably to your country."

We hope that Judge Kaufman's timely words will bring home to all other Americans who have espoused the cause of Communist Russia the enormity of their crimes. It should give pause not alone to any engaged in activities similar to those of the three defendants but also to others engaged in different types of offenses such as serving as propagandists for the Russian cause in America.

Perhaps these convictions will lead to the weakening and even the collapse of some of these Communists front and other activities which are aimed solely at the ultimate destruction of this country.

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# Judge Might Spare 3d A-Spy Ex-GI, 29, From Death in Chair

Continued from Page 1

the Rosenbergs, said they never will change their plea of innocence.

"They believe that they are victims of political hysteria and that their sentence was based upon extraneous political considerations having no legitimate or legal connection with the crime charged against them," Bloch said.

Judge Kaufman ordered the Rosenbergs, parents of two children, to be put to death some time in the week of May 21. If his sentence is carried out, Mrs. Rosenberg will become the first woman to die as a Federal prisoner since 1865, when Mrs. Mary Suratt was hanged publicly for plotting with John Wilkes Booth the assassination of President Lincoln.

## 'Baby Brother' Exposed Her

It was the repentant Greenglass, Mrs. Rosenberg's "baby brother," who exposed her as a member of the spy ring that was exposed with the arrest of Dr. Klaus Fuchs, British atomic scientist.

Greenglass testified that the Rosenbergs had persuaded him to give them atomic secrets for use by the Russians in 1944 after he had mentioned the nature of his Army work while visiting them on furlough.

During the three-week trial, Greenglass described the inner workings of the atom bomb as it had been developed at Los Alamos, where he had been assigned as a technician. His testimony was so secret that Judge Kaufman cleared the courtroom of newsmen and spectators.

Judge Kaufman indicated at that time that he would not be too harsh with Greenglass, even though he was equally guilty under his own admission. The judge said the decision of Greenglass to implicate his own sister had taken "a lot of soul-searching and courage."

Judge Kaufman said he had reached his own decision to inflict the capital penalty upon the Rosenbergs only after he had searched his own soul. He said he spent hours of prayer for Divine guidance in his syna-

gogue before reaching his historic conclusion.

United States District Attorney Irving H. Saypol, the Government's prosecutor, said that he, too, had tried to find the answer at the synagogue. But Judge Kaufman assumed the sole responsibility of deciding whether the Rosenbergs should die.

The judge scored the Rosenbergs in a passionate preface to the decision he had reached.

Their successful espionage, he said, had hastened Russian progress in perfecting the atomic bomb at least three years and had strengthened Soviet "confidence which already has caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason."

The Rosenbergs exchanged whispers before they were taken by U. S. Marshals to separate cells. They were grim and white-faced when they heard Judge Kaufman pronounce words of doom, but hours later their spirits perked up.

Mrs. Rosenberg, a soprano, sang in her cell "Good Night Irene" and "One Fine Day," the aria of hope and optimism from Puccini's opera, "Madame Butterfly." Her husband sang "The Battle Hymn of the Republic."

A Department of Justice spokesman announced in Washington yesterday that the Rosenbergs would be detained in New York for the time being. He said his department had not completed arrangements for the execution.

However, it was believed that the execution order would be carried out at Sing Sing Prison, if their attorneys fail to win an appeal and President Truman declines to intervene.

# Judge Might Spare 3d A-Spy From Chair

**Greenglass, Ex-GI  
At Los Alamos, Due  
For Sentence Today**

A stern Judge passes sentence today on a former army sergeant turned spy whose testimony condemned his sister and brother-in-law to death for giving atom bomb secrets to Russia.

Federal Judge Irving R. Kaufman, 41, indicated he would spare the life of David Greenglass, 29, who had obtained information about the bomb while working as a technician at the Los Alamos, N. M., plant.

Kaufman sentenced bespectacled Julius Rosenberg, 32, and his wife, Ethel, 35, to death yesterday at the conclusion of an eight-minute commentary on their treachery, which, he said, "altered the course of history."

It was the first time that a husband and wife had received the death sentence in a Federal Court. The maximum penalty also was the first given in a civil court under the 1917 espionage act.

Kaufman was more lenient with co-conspirator Morton Sobell, 35, a radar expert, only because evidence did not involve him with the atomic bomb betrayal. He was given a maximum 30-year sentence.

**Only Truman Can Save Them**

Attorneys for the Rosenbergs and Sobell said they would appeal the verdict to the United States Circuit Court of Appeals and, if necessary, to the Supreme Court of the United States.

Although the Supreme Court can alter the verdict, it cannot change the death penalty. Only President Truman is empowered to spare the Rosenbergs' lives if the higher courts reject their appeals.

Emanuel Bloch, attorney for

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David Greenglass  
Hears Fate Today

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65-15348-A-222

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APR 7 1951

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ETO

## Atom Spies

(Continued from page one)

of eleven men and one woman under an indictment which charged them with conspiring to commit espionage and of transmitting information on national defense to agents of the Soviet Union. Greenglass pleaded guilty to this indictment, which, named as a 27th defendant Anatoli A. Yakovlev, former Soviet Vice-Consul in New York. He is now presumed to be back in Russia.

Government witnesses testified that the Rosenbergs were an integral part of a spy ring which obtained secret data on the atom bomb from Dr. Klaus Fuchs, the convicted British scientist, and other spies and passed it on to Russian agents.

### Gold Already in Jail

A chief witness was Harry Gold, Philadelphia biochemist, who said he had gone to see David Greenglass in Albuquerque, N. M., to obtain from him information which the latter had picked up as a servant-machinist working at the Los Alamos, N. M., atom bomb project. Gold, now serving a thirty-year prison sentence for his espionage activities, said he carried with him part of a Jello box as a means of identifying himself to Greenglass. Gold said he got his piece of the Jello box from Yakovlev, his "Soviet superior."

Greenglass said he got his half from his brother-in-law, Rosenberg. As his relative's chief accuser, Greenglass swore that Julius had introduced him into espionage work and that his sister had typed up the information which he, Greenglass, had brought back to New York from Los Alamos.

Although the government was unable to prove that Sobell played an active part in the Fuchs-Gold-Rosenberg-Greenglass atomic espionage ring, testimony was introduced which did show that Sobell, a radar and electronics expert, had tried to induce a former classmate

at City College to take up spy work for the Soviet Union.

The Rosenbergs were taken from the courthouse at 8:43 p. m. in a prison van with seven other prisoners. Rosenberg was taken to the Federal Detention House, quarters at West and Eleventh Streets, and Mrs. Rosenberg to the Women's House of Detention, Tenth Street and Avenue of the Americas. Sobell, who was driven from the courthouse in a government sedan shortly after the Rosenbergs' departure, was lodged in the Tombs at 100 Centre Street.

### "Worse Than Murder"

In sentencing the Rosenbergs, Judge Kaufman told them their crime was "worse than murder." "Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed," he said. "In committing the act of murder, the criminal kills only his victim. The immediate family is brought to grief and when justice is meted out the chapter is closed."

While Judge Kaufman spoke, Rosenberg an electrical engineer, rocked back and forth on his heels and toes. Mrs. Rosenberg wrinkled her forehead.

"But in your case," the judge continued, "I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

Judge Kaufman's words came more slowly as he reached the end of his prepared text.

"I have searched the records," he said, "I have searched my conscience to find some reason for mercy, for it is only human to be merciful and it is natural to try to spare lives."

"I am convinced, however, that I would violate the solemn and

trust that the people of this country have placed in my hands were to show leniency to the defendants. It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done."

It was revealed later that Judge Kaufman visited a synagogue three times this week to seek divine guidance before sentencing the Rosenbergs to death. He was reported to have been particularly disturbed about imposing the death penalty on Mrs. Rosenberg, as a mother. The judge, who appeared tired and worn to court of sleep since the spies were found guilty last Thursday.

After the Rosenbergs had been sentenced, Judge Kaufman declared a short recess. Afterward, he sentenced Sobell, saying: "I do not for a moment doubt that you were engaged in espionage activities. However, the evidence in the case did not point to any activity on your part in connection with the atom bomb project. . . . There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense."

Sobell heard his sentence with his hands clasped in front of him. Like the Rosenbergs, he too gave no outward sign of what he felt. His wife, Helen, who has sat in the spectators' section since the first day of the trial, was ashen-faced yesterday as she left the courtroom.

### Defense Pleas

In pleading with the court for a light sentence for the Rosenbergs, Emanuel Bloch, their attorney, said his clients "have always maintained their innocence and always will maintain their innocence." He said he believed that if the Rosenbergs had been caught in military secrets in 1945, when the United States and Russia were allies, rather than in 1950, their case would never have come to court. He pointed out that word of Judge Kaufman's sentence would be "radioed" throughout the world in three minutes and added that he hoped the sentence would not increase "the tensions in the world today."

Judge Kaufman replied that he also had a duty to the American people—and "I feel that duty very definitely and humbly on my shoulders this morning."

Mr. Sarpol did not ask the court specifically to impose the death penalty or the maximum prison sentence, but declared that, "in terms of human life, these defendants have affected whole generations." Leniency, he said, might be considered by Communist agents as "an invitation for increased activity" because they would construe a light sentence as "an indication of weakness."

### Law's Leniency Chied

In arguing for his client, Harold Phillips said that Sobell had been removed forcibly from Mexico and urged Judge Kaufman "to send Sobell back." But the judge reminded Mr. Phillips that "a jury has spoken. He's been tried in the American way."

Judge Kaufman's statement before he passed sentence on the convicted spies was heard in a courtroom packed with spectators and newspaper reporters.

He noted that, under the law, "if the espionage or the conspiracy to commit espionage is committed during time of peace, the maximum punishment is imprisonment for not more than twenty years."

"I ask that some thought be given to that for a moment," he said. "For it most likely means that even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer type

atom bombs, or even the H-bombs, the maximum punishment that any court could impose in that situation would be twenty years. I therefore say that it is time for Congress to re-examine the penal provisions of the espionage statute."

Judge Kaufman also said that the evidence brought out during the trial "indicated quite clearly that Julius Rosenberg was the prime mover in this conspiracy and that Ethel, instead of 'deserting him from pursuing his legitimate cause,' encouraged and assisted the cause. . . . She was a full-fledged partner in this crime."

"To the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation," he said, "which will demonstrate with finality that this nation's security must remain inviolate; that traffic in military secrets, whether promoted by glacial devotion to a foreign ideology or by a desire for monetary gains, must cease."

### Spies Sing in Cells

A few minutes after death sentence had been pronounced on the Rosenbergs, reporters called on Mrs. Tassie Greenglass at her Lower East Side tenement home at 44 Sherid Street. The widowed mother of Mrs. Rosenberg and David Greenglass sobbed when told the news.

"I expected any sentence," she said, "but not that." Meanwhile, in their temporary detention cells on the ground floor of the courthouse, the Rosenbergs had burst into song.

According to United States Marshal, who stood outside the adjoining cells, Mrs. Rosenberg sang the aria, "Ode Fine Day," from Puccini's "Madame Butterfly" and parts of "Good Night, Irene." Rosenberg, said the Marshal, gave a spirited rendition of "The Battle Hymn of the Republic."



# Death Copy To Rosenberg And His Wife

## Judge Calls Crime Worse Than Murder

Sobell Gets 30 Years;  
Executions Would Be  
in Chair at Sing Sing

By Blaine Littell

Julius Rosenberg, thirty-two, and his wife, Ethel, thirty-five, were sentenced to death yesterday for the part they played in a Soviet espionage ring which stole atomic secrets from this country during World War II.

Morton Sobell, thirty-two, who was implicated to a lesser degree in the conspiracy to transmit military secrets to Russia, was sentenced to thirty years in prison, the maximum prison term provided by the espionage law.

The Rosenbergs heard Judge Irving R. Kaufman impose the extreme penalty at 12:00 p. m. There was no outward show of emotion.

### First Americans Deceased

They are the first American citizens in the history of American civil jurisprudence to be sentenced to death for espionage on behalf of a foreign power and according to the Department of Justice the first husband and wife sentenced to death by a Federal court. The only woman executed by Federal Court order was Mrs. Mary Surratt, a conspirator in the assassination of President Lincoln.

Judge Kaufman ordered the Rosenbergs executed during the week beginning May 31. He recommended against parole for Sobell.

Irving R. Saypol, United States Attorney and the chief government prosecutor in this case, said the Rosenbergs will be executed to the electric chair at Sing Sing prison, Ossining, N. Y.

Attorneys for the Rosenbergs and Sobell said they would appeal the jury's verdict to the United States Supreme Court if necessary. The Supreme Court is empowered to reverse the verdicts of the jury, but only the President of the United States can commute the sentences.

### Greenham Up Today

The sentence of David Greenglass, twenty-nine, Mrs. Rosenberg's younger brother, was postponed until 2 p. m. today at the request of his attorney, O. John Roger, who argued that he had not had enough time to prepare his plea before sentencing Greenglass, who confessed his part in the espionage conspiracy, testified against his sister and brother-in-law during the three-week-long trial in United States District Court. He was to have been sentenced yesterday with the others.

The Rosenbergs, whose home is at 18 McGorrier Street, are the parents of two sons, Michael, eight, and Robert, four, both of whom are now at a welfare home in the Bronx. Sobell lived with his wife, Helen, at 194-17 Seventy-third Avenue, Flushing, Queens, from 1947 until June, 1950. They are the parents of a daughter, Sydney, eleven, and a son, Mark, eight months.

The Rosenbergs and Sobell were found guilty March 29 by a jury.

(Continued on page 21, column 2)

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selves above our properly constituted authorities and the decision of those authorities not to share the information with Russia must now be obvious.

The defendants are American citizens who profited from our system of free higher education. I additionally must assume that the basic Marxist goal of world revolution and the destruction of capitalism was well known to the defendants, if in fact not subscribed to by them, when they passed what they knew was this nation's most deadly and closely guarded secret weapon to Soviet agents.

#### Nation Must Be Secure

In the light of this, I can only conclude that the defendants entered into this most serious conspiracy against their country with full realization of its implications. The statute of which the defendants at the bar stand convicted is clear. I have previously stated my view that the verdict of guilty was amply justified by the evidence. In the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate; that traffic in military secrets, whether promoted by slavish devotion to a foreign ideology or by a desire for monetary gains must cease.

The evidence indicated quite clearly that Julius Rosenberg was the prime mover in this conspiracy. However, let no mistake be made about the role which his wife, Ethel Rosenberg, played in this conspiracy. Instead of deterring him from pursuing his ignoble cause, she encouraged and assisted the cause. She was a mature woman — almost three years older than her husband and almost seven years older than her younger brother. She was a full-fledged partner in this crime.

Indeed, the defendants Julius and Ethel Rosenberg placed their devotion to their cause above their own personal safety and were conscious that they were sacrificing their own children, should their misdeeds be detected — all of which did not deter them from pursuing their course. Love for their cause dominated their lives — it was even greater than their love for their children.

What I am about to do is not easy for me. I have deliberated for hours, days and nights. I have carefully weighed the evidence. Every nerve, every fiber of my body has been taxed. I am just as human as are the people who have given me the power to impose sentence. I am convinced beyond any doubt of your guilt. I have searched the records — I have searched my conscience — to find some reason for mercy — for it is only human to be merciful and it is natural to try to spare lives. I am convinced, however, that I

would violate the solemn and sacred trust that the people of this land have placed in my hands were I to show leniency to the defendants Rosenberg.

It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done.

The sentence of the Court upon Julius and Ethel Rosenberg is that for their crime they are sentenced to death. The sentence will be executed according to law in the week beginning on Monday, May 21.

#### Sentence of Morton Sobell

While I have not the slightest sympathy for you or any of your associates, I must, as a judge, be objective in the examination of the evidence in this case. I do not for a moment doubt that you were engaged in espionage activities; however, the evidence in the case did not point to any activity on your part in connection with the atom bomb project. I cannot be moved by hysteria or motivated by a desire to do the popular thing. I must do justice according to the evidence in this case. There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense. I, therefore, sentence you to the maximum prison term provided by statute, to wit, thirty years.

While it might be gratuitous on my part, I also note at this point my recommendation against parole for this defendant.

Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country. No one can say that we do not live in a constant state of tension. We have evidence of your treachery all around us every day—for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack.

Nor can it be said in mitigation of the offense that the power which set the conspiracy in motion and profited from it was not openly hostile to the United States at the time of the conspiracy. If this was your excuse then the error of your ways in setting your-

Following is Judge Kaufman's statement in sentencing the trial defendants:

In view of the importance of the sentence I am about to impose, I believe it is my duty to give some explanation respecting them.

At the outset, I would like to say a few words about the law under which these defendants are about to be sentenced.

### The Law

It provides for the following punishment: If the espionage or the conspiracy to commit espionage is committed during time of war, the punishment might be death or imprisonment for not more than thirty years. If the espionage or conspiracy to commit espionage is committed at any other time the maximum punishment is imprisonment for not more than twenty years.

This section, under which the defendants were prosecuted and convicted, was enacted in 1917, at which time the Russian international spy ring did not present the threat to all of us which it does now. Today, it is a well organized, well directed ring, with tentacles which reach into the most vital places.

The incongruent penal provisions of the statute are spotlighted by the twenty-year maximum imprisonment provision for commission of the offense of espionage during peace time. I ask that some thought be given to that for a moment, for it most likely means that even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer type atom bombs, or even the H-bomb, the maximum punishment that any court could impose in that situation would be twenty years.

I, therefore, say that it is time for Congress to re-examine the penal provisions of the espionage statute.

In the case before me the conspiracy as alleged and proven commenced on or about June 6, 1944 at which time the country was at war. Overt acts were committed during the period of actual hostilities. Therefore the maximum penalty is death or imprisonment for not more than thirty years.

Espionage, as viewed here today, does not reflect the courage of a Nathan Hale, risking his life in the service of his own country. It is rather a sordid, dirty work—however idealistic are the rationalizations of the persons who engaged in it—with but one paramount theme, the betrayal of one's own country.

### See Spies Under No Delusions

Citizens of this country who betray their fellow-countrymen can be under none of the delusions about the benignity of Soviet power that they might have been prior to World War II. The nature of Russian terrorism is

now self-evident. Idealism as a rationale dissolves.

The issue of punishment in this case is presented in a unique framework of history. It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system. This struggle is not only manifested externally between these two great forces but this case indicates quite clearly that it also involves the employment by the enemy of secret as well as overt outspoken forces among our own people. All of our democratic institutions are, therefore, directly involved in this great conflict. I believe that never at any time in our history were we ever confronted to the same degree that we are today with such a challenge to our very existence. The atom bomb was unknown when the espionage statute was drafted. I emphasize this because we must realize that we are dealing with missiles of destruction which can wipe out millions of Americans.

The competitive advantage held by the United States in super-weapons has put a premium on the services of a new school of spies — the homegrown variety that places allegiance to a foreign power before loyalty to the United States. The punishment to be meted out in this case must therefore serve the maximum interest for the preservation of our society against these traitors in our midst.

### Sentence of Julius and Ethel Rosenberg

It is ironic that the very country which these defendants betrayed and sought to destroy placed every safeguard around them for obtaining a fair and impartial trial, a trial which consumed three weeks in this court. I recall the defendant Julius Rosenberg testifying that our American system of jurisprudence met with his approval and was preferred over Russian justice. Even the defendants realize — by this admission — that this type of trial would not have been afforded to them in Russia. Certainly, to a Russian national accused of a conspiracy to destroy Russia not one day would have been consumed in a trial. Yet, they made a choice of devoting themselves to the Russian ideology of denial of God, denial of the sanctity of the individual and aggression against free men everywhere instead of serving the cause of liberty and freedom.

Your crime is worse than murder. Plain deliberate contemplated murder is dwarfed in magnitude by comparison with the crime you have committed. In committing the act of murder, the criminal kills only his victim. The immediate family is brought to grief and when justice is meted out the chapter is closed. But in your case, I believe your conduct in putting into the hands of the

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# ATOM SPY COUPLE SENTENCED TO DIE

Continued From Page 1

He was a key Government trial witness.

Anatoli A. Yakovlev, former Soviet Vice Consul here, is also under indictment for conspiracy to commit wartime espionage for the Soviet Union. He left New York aboard the America with his wife and two children on Dec. 27, 1946, and is still a fugitive. It apprehended he may be tried under the same indictment that resulted in conviction of the Rosenbergs and Sobell.

The Rosenbergs' death sentences were reported as the first under the espionage Act of 1917, which imposes death as a maximum penalty for espionage in wartime. In peacetime the maximum penalty would be twenty years' imprisonment.

## Judge Cautions Congress

In this connection Judge Kaufman called the attention of Congress to the present maximum penalty of twenty years and pointed out the need for increasing this penalty.

"Even if spies are successful in 1951 in delivering to Russia or to any foreign power our secrets concerning the newer type atomic bombs, or even the H-bomb, the maximum punishment that any court could impose in that situation would be twenty years," he said. "I therefore say it is time for Congress to re-examine the penal provisions of the espionage statute."

Veteran judges and employees of the Federal courts could recall no other instance yesterday in which the death penalty had been imposed by civil courts in peace or war.

Sobell was taken to City Prison adjoining the Criminal Courts Building late yesterday afternoon. Mrs. Rosenberg went back to her cell in the Women's House of Detention, a city prison at 10 Greenwich Avenue. Her husband was returned to the Federal House of Detention on West and Eleventh Streets, United States Marshal William A. Carroll said all three might be moved today.

Under a Federal act of June 19, 1917, Mr. Carroll would be in charge of the executions of sentence upon the Rosenbergs. The law provides that a Federal death sentence shall be executed according to the laws of the state in which sentence was imposed. In this case the death penalty would be executed in the electric chair at Sing Sing Prison.

Mr. Carroll would fix the day of the week. The time is fixed by law at "about sunrise." Each condemned prisoner may request that friends and relatives be present. They may not number more than eleven. The law provides that "no more than five respectable citizens and members of the press" may be present.

## Saypol Denies Malice

In moving for sentence of the convicted trio Mr. Saypol said he was not moved by "any spirit of malice, hatred, or revenge."

"The law under which the defendants were tried specifically omits reference to espionage in favor of a nation with whom this country is at war," he pointed out. "It is clear that this omission was conscious."

"The framers of the law understood the lesson of history that the uneasy ally of convenience of one day can really be preparing to be tomorrow's enemy. The Nazi-Soviet Pact of August, 1939, which unlocked the flood gates of World War II, is still fresh in our memory. What sort of allies were the Nazis and the Russians at that time? When the Nazis attacked Russia, did Russia become an ally of ours by choice?"

"The United States Supreme Court in the Corrie case, referring to the statute before the court, said: 'No distinction is made between friend or enemy. Unhappily, the status of a foreign government may change.'"

"The greatest issue of our age is the struggle of our free society for survival against the vast forces of Communist totalitarianism. These defendants were the agents of antagonistic forces which might well be preparing to overwhelm us. A society which does not defend itself is not worthy of survival."

Mr. Saypol said it would be "a delusion indeed" to believe that the Korean War had not been inspired by Russia. He cited the daily sacrifice of American lives there, and said:

"These defendants gave their allegiance to forces which now are proven as allied to the real enemy in that fight. They used methods of espionage which traditionally called for severe punishment. The secrets they sought and secured were of immeasurable importance."

How can the life of an individual engaged in such treacherous activities be weighed against the life of a single American soldier fighting in a distant land?"

Judge Kaufman plainly showed his burden of responsibility when he prepared to impose sentence. The youngest member of the Federal bench here, the jurist will not be 41 until June 24. In the last week he had a bit more than ten hours' sleep. Several times he went to his synagogue seeking spiritual guidance. Mr. Saypol also sought spiritual guidance in his own synagogue. It was learned.

Judge Kaufman took the position that his duty to the nation outweighed any personal inclinations he might have toward leniency. In a hoarse, faint voice he reviewed the case and concluded that the jury's verdict had been justified by the evidence. He also placed the case against its background of international tensions, and said its theme had been "betrayal."

The jurist found no excuse for the espionage activities of the three defendants. They, all are in their thirties, he said, they were sufficiently mature to appreciate the consequences of their actions. With American institutions threatened in a "life-and-death" struggle, he said, his punishment must serve the maximum interest for the preservation of our society against these traitors in our midst.

## Church Bells Toll

As he read his reasons, the church bell of near-by St. Andrew's Roman Catholic Church tolled the noon hour, its longest toll of the day. Rosenberg stayed slowly, back and forth on the balls of his feet, thanking the bench.

His wife, Ethel, five feet in height and weighing 100 pounds, stood at his right. When the judge described her as "a full-fledged partner," her right hand clamped a white-knuckled grip on a chair before her. Sobell grimed sulkily out a window.

After hearing the death sentence at 12:08 o'clock, Rosenberg gave a short imperative nod to his wife, signaling her to leave. Escorted by four assistant marshals, they left the courtroom by a side door. After a short recess Judge Kaufman returned to sentence Sobell to thirty years. Because of lesser implication, Judge Kaufman made clear, he substituted the long penitentiary term for the death sentence on Sobell. Sobell's sentence was pronounced at 12:30 o'clock, two hours after the session had begun.

Before sentence was passed on the Rosenbergs their attorney, Emanuel H. Bloch, said the case might have international repercussions.

"Great efforts are being made to bring the United States and Russia into an orbit of understanding," the lawyer said. "This case has reached such importance that your sentence will be radioed around the world in three minutes. We are not at war with the Soviet Union, although the Soviet Union is regarded as an enemy. Who knows but that tomorrow the Soviet Union and the United States may reach an accord?"

Mr. Bloch said Tokyo Rose and Axis Sally, convicted of treason, received terms of ten to fifteen years. In defense of Sobell, Mr. Philippe said he had been "kidnapped and abducted" from Mexico last year so that he could be arrested in Laredo, Tex. Mr. Saypol agreed that Sobell had been "kicked out" of Mexico as a deportable alien.

Mrs. Teasie Greenglass, 60-year-old mother of Ethel Rosenberg and David Greenglass, sobbed in her small apartment at 64 Sheriff Street when she heard of the death sentence of her daughter. A widow whose husband died three years ago, Mrs. Greenglass awaits the sentencing of her 29-year-old son today. David and his wife, Ruth, are parents of two young children. Ruth Greenglass was cited in the indictment as a co-conspirator, but not as a co-defendant.

#### Judge Cites Responsibility

United States Attorney Irving H. Saypol pointed out that death was the maximum penalty for wartime espionage for a foreign nation, but did not ask the death penalty. Judge Kaufman said the burden of fixing punishment rested on him alone, and that his responsibility to the nation demanded that he inflict the death penalty. He presided throughout the trial, which began in District Court on March 6.

Defense counsel said they would appeal immediately to the United States Court of Appeals for the Second Circuit. The appeals will act as an automatic stay of execution of the three sentences. Judge Kaufman had directed that the Rosenbergs be put to death in the electric chair at Sing Sing Prison in the week beginning on Monday, May 21.

Should the Circuit Court decide adversely, defense counsel said an appeal would be taken to the United States Supreme Court. Emanuel H. Bloch and his father, Alexander Bloch, defended the Rosenbergs. Sobell was defended by Edward Kuntz and Harold M. Phillips. Headed by Mr. Saypol, the Government staff included Myles J. Lane, Roy M. Cohn and James Kilsheimer, assistant United States attorneys.

#### Political Hysteria Charged

"I repeat that these defendants assert their innocence and will continue to assert it as long as they breathe," Emanuel Bloch said for the Rosenbergs. "They believe that they are victims of political hysteria, and that their sentence was based upon extraneous political considerations having no legitimate or legal connection with the crime charged against them."

Mr. Phillips said the thirty-year sentence was out of all proportion to the case against Sobell, and insisted that the Government had not proved conspiracy. The attorney said his client, who did not testify at the trial, would appeal to the higher courts.

United States marshals guarding the Rosenbergs in temporary detention cells in the United States Courthouse reported that both were singing there yesterday afternoon. Mrs. Rosenberg, who once studied voice, sang "One Fine Day" from "Madame Butterfly," and the popular song, "Good Night, Irene." The husband sang "The Battle Hymn of the Republic," the marshals said.

David Greenglass, 29-year-old brother of Ethel Rosenberg, will be sentenced by Judge Kaufman at 3 o'clock this afternoon. O. John Rogge, former assistant Attorney General, argued in vain for a postponement until Monday for Greenglass. The former Army technical sergeant who sketched and described the A-bomb at his post in Los Alamos, N. M., was named as co-conspirator with the others.

Continued on Page 11, Column 2



# ATOM SPY COUPLE SENTENCED TO DIE; AIDE GETS 30 YEARS

Penalties for Rosenbergs Are  
First Under '17 Law, in Which  
Kaufman Cites Weakness

APPEALS TO ACT AS STAYS

Judge Denounces Theft of  
Bomb Secrets for Russia as  
'Worse Than Murder'

The text of the statement by  
Judge Kaufman, Page 10.

By WILLIAM R. CONKLIN

In a history-making action, Federal Judge Irving R. Kaufman imposed death sentences yesterday on two spies convicted of stealing the atomic bomb secret, for Soviet Russia and sentenced a third spy to thirty years in a Federal penitentiary.

Julius Rosenberg, 32 years old, an electrical engineer, and his wife, Ethel, 35, received the death penalty. They are parents of two sons, Michael, 8, and Robert, 4. Morton Sobell, 34, an electronics expert, escaped the death penalty only because his complicity was not proved equal to that of the Rosenbergs. He and his wife, Helen, are parents of a girl, Sydney, 11 years old, and a son, Mark, 18 months old.

The jury that on March 29 convicted all three of conspiracy to commit wartime espionage made no recommendation for mercy. Judge Kaufman showed none. He described the defendants' crime as "worse than murder" and "a sordid, dirty business" not to be compared with Nathan Hale's sacrifice of his life for his country.

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**Back in Cells, Doomed Pair Sing Songs**  
 BEING SENTENCED TO death yesterday failed to dampen Julius and Ethel Rosenberg's love of music. When the five-foot-three mother of two young sons was led back to her cell in the marshal's quarters of the Federal Courthouse, she immediately burst into an aria, "One Fine Day," from "Madame Butterfly." A few minutes later, her husband, in an adjoining cell, began to sing "Battle Hymn of the Republic."  
 Four hours later they still were singing.  
 Ever since her arrest last August, Mrs. Rosenberg has spent hours singing in a small, sweet soprano. Her favorite is "Good Night, Irene," followed by "America Is a Beautiful Country"—an apparently little-known number. Her husband sings less often—and attendants believe she often vocalizes to cheer him up.

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## Death of Woman Spy Would Be Milestone in U.S. History

If the sentence is carried out, Mrs. Ethel Rosenberg will be the first woman executed by order of a U. S. Federal Court since Mrs. Mary Suratt was convicted of conspiracy in the assassination of Abraham Lincoln in 1865.

Judge Kaufman's sentencing marked the first time a Federal Court has imposed death sentences on a husband and wife.

Under the 1917 spy law by which the Rosenbergs were convicted, 108 persons have been sentenced, but the heaviest penalty until now has been life imprisonment.

More than 40 have been convicted of treason, but none executed. Max Stephan of Detroit was sentenced to hang in 1942 for helping a German prisoner escape, but the sentence was commuted to life imprisonment because Michigan had no death penalty.

Execution for a Federal offense in peacetime has been so rare

that no records of such an event could be found in the Foley Square Federal Building. Attaches believed the last person put to death by the United States was a sailor, hanged for mutiny a century ago.

Military courts, however, have passed death sentences for a variety of offenses. Six Nazi saboteurs who landed on Long Island during the war were electrocuted in Washington on Aug. 18, 1942.

Outstanding persons arrested for treason, all of whom escaped death, included Aaron Burr; Jefferson Davis, president of the Confederacy, and John Fries, leader of an anti-tax rebellion in 1789. Benedict Arnold, the nation's first traitor, never was caught.

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### **Birthday May 12**

Rosenberg, an electrical engineer, will be 33 on May 12. He attended City College with Sobell and William Perl, the 32-year-old physics instructor who has been indicted on perjury charges for denying he knew either Sobell or the Rosenbergs.

Rosenberg married Ethel Greenglass June 18, 1939, and they have two children, Michael, 8, and Robert, 4. They lived in a \$51-a-month apartment at 10 Monroe St.

Sobell worked during World War II as a civilian employe on electronics. He graduated from City College as an electrical engineer in 1938. He left his Queens home in 1950 and went to Mexico. He was deported from there and arrested in Laredo, Tex., last August.

In an affidavit filed before sentence, Sobell said he was with

his wife and children in Mexico City when three men rushed into the room with drawn guns and abducted him. He said he was forced into a taxi while shouting for police and was driven to Laredo, where he was turned over to American agents.

Judge Kaufman, who at 40 is the youngest Federal judge in this district, asked the attorney for Sobell why he had not submitted this evidence during the trial. Phillips said he didn't think the prosecution would present "untruths." He asked that the

conviction be set aside. His motion was denied.

Earlier, Mrs. Rosenberg chatted about the weather and hats as she was driven to court from the Women's House of Detention. She posed willingly for photographers near the auto entrance to the Federal Building. Her husband arrived in a prison van a short time later.

Greenglass was in the building, but did not appear in court after Judge Kaufman agreed to Saypol's request that he be sentenced today.

slammed the door on any hopes the 100-pound brunette may have had for a lighter sentence than her scholarly-looking husband.

Then the jurist concluded:

"It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done."

#### **Week of May 21**

"You, Julius and Ethel Rosenberg, for the crime for which you have been convicted, are hereby sentenced to the punishment of death; and it is ordered that on some day within the week beginning with Monday, May 21, you shall be executed according to law."

Husband and wife remained glued to their chairs. Their faces were completely drained of blood and they glanced at each other for the first time since Kaufman began speaking. Rosenberg managed a wan smile and took his wife's hand in his own as they walked out of the courtroom. A long sigh went up from the spectators as the impact of the death sentence struck them.

At one point, as Judge Kaufman said the Rosenbergs "made a choice of the denial of God and the denial of the sanctity of the individual," the bells of a Foley Square church tolled the noon hour.

U. S. Attorney Saypol, who prosecuted the case, said execution probably will be in Sing Sing.

Outside the courtroom, Rosenberg asked his wife, "How are you?" She looked at him and replied quietly:

"Fine. I'm all right as long as you are."

Deputy marshals ushered them to the cell-block in the Federal Building, where they were placed in separate cells.

Later, Mrs. Rosenberg was moved to the city Woman's House of Detention.

Judge Kaufman declared a short recess, apparently to compose himself, before meting out punishment to Sobell.

He told the 34-year-old electronics engineer:

"There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense. I, therefore, sentence you to the maximum prison term provided by statute, to wit, 30 years."

He added:

"I note at this point my recommendation against parole for this defendant."

The black-haired, swarthy Sobell, who had gazed out the window while the Rosenbergs were being doomed, turned a sickly white, but regained his composure as he was led away.

Sobell's guilt was declared of "lesser degree" because the prosecution had not connected him with A-bomb secrets.

Kaufman set sentencing of David Greenglass, the 29-year-old ex-Army sergeant and brother of Mrs. Rosenberg, for this afternoon. Greenglass, married and father of a year-old son, turned government's evidence at the trial and told how the Rosenbergs got A-bomb data from him while he was working at Los Alamos.

Greenglass and the others were arrested after Harry Gold, a Philadelphia biochemist, confessed he took the place of Dr. Klaus Fuchs, German-born British atomic scientist, as head of the Soviet spy ring in this country. Fuchs is serving 14 years. Gold has been sentenced to 30 years. Anatoli Yakovlev, Soviet Vice-Consul in New York, was indicted, but has fled the country.

Emanuel Bloch, counsel for the Rosenbergs, and Harold Phillips, attorney for Sobell, announced they will appeal.

Sobell will be transferred to a Federal prison to be designated by the Department of Justice. The Rosenbergs await a Department order, sending them to their place of execution.

Bloch pointed out that Tokyo Rose and Axis Sally "were convicted of treason and got 10 to 15 years." He added:

"We are not at war with the Soviet Union, though it is regarded as an enemy."

Bloch said he wanted to repeat that "the defendants assert their innocence and, no matter what the outcome, they will assert it as long as they breathe."

Continued from Page 3

national spy ring did not present the threat to all of us which it does now."

The muscles in Rosenberg's jaw rippled as Kaufman continued:

"In the case before me, the conspiracy as alleged and proven commenced on or about June 6, 1944, at which time the country was at war. Overt acts were committed during the period of actual hostilities.

"Espionage, as viewed here today, does not reflect the courage of a Nathan Hale, risking his life in the service of his own country. It is rather a sordid, dirty work—however idealistic are the nationalisms of the persons who engage in it—with but one paramount theme, the betrayal of one's own country."

Mrs. Rosenberg put a hand on the back of the chair in front of her, as though seeking support. The court went on:

"It is so difficult to make people realize that this country is engaged in a life-and-death struggle with a completely different system. The punishment to be meted out in this case must, therefore, serve the maximum interest for the preservation of our society against these traitors in our midst. Even the defendants realized that this type of trial would not have been afforded them in Russia. Certainly, to a Russian national accused of a conspiracy to destroy Russia, not one day would have been consumed in a trial."

#### **'Worse Than Murder'**

The jurist's eyes shifted to the defendants as he said:

"Your crime is worse than murder. Plain, deliberate, contemplated murder is dwarfed by comparison with the crime you have committed. I believe your conduct in putting into the hands of the Russians the A-bomb, years before our best scientists predicted Russia would perfect the bomb, has already caused the Communist aggression in Korea.

"Resultant casualties, have exceeded 50,000 Americans. Who knows but that millions more of innocent people may pay the price of your treason? You passed what you knew was this nation's most deadly and closely-guarded secret weapon to Soviet agents.

"I feel I must pass such sentence on the principals in this diabolical conspiracy to destroy a God-fearing nation which will demonstrate with finality that this nation's security must remain inviolate."

Judge Kaufman said Mrs. Rosenberg was a "full-fledged partner in this crime," which

# 2 Rosenbergs Take Doom to Chair With a Song, Sobell Gets 30 Years

By GEORGE GRADY and PHILIP SANTORA

Atom spy traitors Julius and Ethel Rosenberg, their chalk-white faces frozen into grimaces of incredulity, yesterday heard themselves condemned to die for passing wartime A-bomb secrets to the Soviet—the first time in the nation's history that a civil court has doomed U. S. citizens for espionage.

A packed courtroom listened in concentrated silence as Federal Judge Irving R. Kaufman ordered the husband



Morton Sobell (right), with marshal, gets 30-year jail term.  
(Other Photos, P. 1, Center Fold) (Mirror Photo)

and wife, parents of two boys, executed during the week of May 21 for a crime "I consider worse than murder."

The 40-year-old jurist said the Rosenbergs, by giving the Soviet Union the A-bomb secret years before the Russians could be expected to perfect their own, brought about the Communist aggression in Korea which already has caused more than 50,000 American casualties.

But, an hour or so later, in their cells, they were loudly singing various melodies.

The sentencing of the third convicted spy, Morton Sobell, to 30 years in prison came as an anticlimax. The Rosenbergs commanded full attention as Judge Kaufman—palpably distressed—pronounced sentence.

They are expected to appeal, but no superior court can alter the sentence if the conviction is upheld. Only President Truman can spare their lives.

In a low but firm tone, Kaufman ordered the Rosenbergs seated in chairs facing the bench. They complied like persons in a trance. Petite, 35-year-old Ethel wore a red jumper. Her 32-year-old husband was dressed in a dark gray suit.

The judge began a long explanation of the sentences—the nature of which was not to be revealed for eight endless minutes.

He reviewed the law passed in 1917, under which they were convicted. He said that if the act of espionage was committed during time of war, punishment could be death or imprisonment for not more than 30 years. During peace, the penalty is imprisonment for not more than 30 years.

He noted that, when the law was passed, "the Russian inter-



Handcuffed David Greenglass, leaving Fed. Court yesterday. (Mirror Photo)

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## MORE ABOUT ATOM SPIES . . .

(Continued from Page 5)

term provided by statute, to wit, 30 years.

"While it might be gratuitous on my part, I also note at this point my recommendation against parole for this defendant."

As Sobell was led away to a detention cell, his wife, Rose, picked up her black-and-white checked coat and followed. She turned wearily away from reporters and attempted to talk to her husband, but was not permitted to join him.

In moving for dismissal of the indictment against Sobell, his attorney, Harold M. Phillips, presented an affidavit in which Sobell swore to his abduction in Mexico. Judge Kaufman asked why this had not been brought up at the trial, and Phillips explained that the defense had not wanted to place the defendant on the stand.

"The jury has spoken," Kaufman said in denying the motion. "He was tried in the American way."

The court's hint that Greenglass might be let off lightly at his sentencing today was dropped to O. John Rogge, Greenglass' attorney, who applied unsuccessfully for a delay of sentence to Monday. Rogge reminded the court that Greenglass had "not committed a second offense" after turning over atom secrets to the Rosenbergs and had aided the prosecution. Judge Kaufman nodded understanding and said there were "some things I have in mind."

The Judge said he supposed Greenglass "did a lot of soul searching" before deciding to turn on his sister. "I know it required a great deal of courage," he said.

U. S. marshals reported that the Rosenbergs, in their detention cell after being sentenced to death, sang to bolster their spirits. They said Mrs. Rosenberg sang an aria, "One Fine Day," from Puccini's "Madame Butterfly," and the popular ballad, "Good Night, Irene." They said she sang another song which they did not recognize but which included the phrase: "America is a beautiful country."

Rosenberg, they said, sang "The

Battle Hymn of the Republic."

Mrs. Rosenberg's mother, 84-year-old Mrs. Tessie Greenglass, a widow, who the day before had pleaded with Judge Kaufman to be lenient with her daughter, was not in court. Through the closed door of her Lower East Side apartment, where she has been caring for the Rosenberg's children—Michael, 8, and Robert, 4—she received the news from reporters.

"It's not well," she shouted. Then a few seconds later, she cried: "I expected any sentence but that."

When reporters asked her to comment on her son's betrayal of his sister, she broke into sobs and pleaded:

"Go way. Go way."

Dr. Allan Nevins, Columbia historian, commented on the death sentences that "from a historical viewpoint, this is a case that will be long remembered."

He recalled no major Federal cases in which an American convicted of treason paid with his life.

**Cites Tokyo Rose, Axis Sally**

Bloch called to mind that "Tokyo Rose" and "Axis Sally" got terms of only 10 to 15 years for treason.

After the sentencing, he said the Rosenbergs "believe they're the victims of political hysteria."

All three defendants had taken their sentences without show of emotion, except for a slight bulging in Rosenberg's neck muscles.

The Rosenbergs were sentenced first. Judge Kaufman told them that their crime was "worse than murder" and "only the Lord can find mercy for what you have done." As a church bell tolled noon, he concluded:

"The sentence of the court upon Julius and Ethel Rosenberg is that you, Julius and Ethel Rosenberg, for the crime for which you have been convicted, are hereby sentenced to the punishment of death and it is ordered that upon some day within the week beginning with Monday, May 21, you shall be executed according to law."

In sentencing Sobell a few minutes later, Kaufman told him:

"There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense. I therefore sentence you to the maximum prison

(Continued on Page 18)



# Judge Decrees Death For Rosenbergs as Atom Spies

By DICK ARMSTRONG

Julius Rosenberg, 32, and his wife, Ethel, 35, convicted of atom bomb spying, yesterday became the first Americans in the nation's history to be sentenced to death by a civilian court for espionage. Federal Judge Irving R. Kaufman imposed the maximum penalty for

wartime spying — the peacetime maximum is 30 years — even though the government did not demand it.

The third defendant convicted with the Rosenbergs, Marion Sobell, 34, got 30 years. Judge Kaufman denied a defense motion to dismiss the charges against him on the ground that he had been kidnapped in Mexico at gunpoint and turned over to the FBI across the border in America.

The court set 2 p.m. today for the sentencing of David Greenglass, 29, who pleaded guilty as a member of the spy ring and whose testimony for the government helped doom his sister, Mrs. Rosenberg, to the electric chair. The court hinted that Greenglass would be rewarded with leniency.

Judge Kaufman set the week of May 21 for execution of the Rosenbergs, in the chair at Sing Sing. However, all three defendants have announced that they will appeal, and the case will remain in the courts for many months.

## 'Altered Course of History'

In sentencing the Rosenbergs, Kaufman said they had "altered the course of history to the disadvantage of our country" and "caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans."

U. S. Attorney General, who prosecuted, did not request the death penalty in his address to the court. Emanuel Bloch, of counsel to the Rosenbergs, pointed out to Judge Kaufman that Russia, which presumably received atomic information from the defendants, was a "full-fledged ally" of the U. S. in the war against Germany during the 1944-45 period of the alleged spying. He cautioned the court:

"Great efforts are being made to bring the United States and Russia into an orbit of understanding. It is not for me to talk of the effect of your sentence which will be radioed around the world within three minutes." He added:

"Who knows but that tomorrow the Soviet Union and the United States may reach an accord?"

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# 'Judge Sought God' Aid in Sentencing Atomic Spies

BOTH Federal Judge Irving R. Kaufman, the judge who presided at the spy trial of Mr. and Mrs. Julius Rosenberg and Morton Sobell, and U. S. Attorney Saypol, their prosecutor, spent hours in the synagogue seeking Divine guidance in the week between the trio's conviction and sentencing yesterday.

Judge Kaufman, it was learned, had no more than 10 hours' sleep during the fateful seven days that were climaxed with his death pronouncement for the Rosenbergs and 30 years' imprisonment for Sobell. Saypol yesterday re-emphasized the seriousness of their crime but made no recommendation.

"I am glad you do not," said



JUDGE IRVING KAUFMAN  
Described atom spies' crime as  
"worse than murder."

(Mirror Photo)

Kaufman. "The responsibility for the death sentence should be mine alone."

Judge Kaufman has given short shrift to Communists. After the 11 Red leaders were convicted before Judge Medina, they appealed to Kaufman for permission to tour the nation to plead their case and raise funds. Kaufman said no.

When Abraham Brothman and Miriam Moskowitz were convicted of conspiracy to obstruct justice in connection with grand jury espionage investigation, Kaufman gave each the longest sentence permitted.

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# **Spy Death Penalty First in Civil Court**

## **Other U. S. Traitors Faced Military Tribunals**

The death sentences imposed yesterday on Julius Rosenberg and his wife, Ethel, in the United States District Court, are the first to be handed down by a civil court against an American since the enactment of the Federal espionage act in 1917. Dr. Allan Nevins, professor of his history at Columbia University, said yesterday.

The noted historian said the extreme penalty has never been imposed by a civilian court on a spy in this country and added that he could remember no major Federal civil court case in which an American paid for treason to his country with his life.

Dr. Nevins said his statements did not pertain to executions ordered by courts martial in time of war. He made reference to several celebrated cases of treason and conspiracy, but noted that:

John Brown, who led the attack on Harper's Ferry just prior to the outbreak of the Civil War, was hanged for treason against the state of Virginia, not the Federal government.

Aaron Burr, who tried to set up an independent government in the Southwest, was charged with treason but acquitted after a six-month trial.

Benedict Arnold, American general who spied for the British during the Revolutionary War, escaped to England.

Herbert Hans Haupt, a German born naturalized American citizen, was one of six Nazi saboteurs caught in 1942 after they were landed by a submarine on the Atlantic Coast. All were executed, but they were sentenced by a military commission, not a civil court.

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TO

# Atom Spies May Be First to Die At Sing Sing for Federal Offense

Special to the Herald Tribune

**SING SING PRISON, N. Y., April 5.**—New York State has never executed a Federal prisoner, Warden Wilfred Denno, of Sing Sing Prison, said today, and he will seek legal guidance if he is asked to put to death in the electric chair the convicted spies, Julius and Ethel Rosenberg.

Sing Sing has not housed a Federal prisoner since 1905, but Warden Denno said that he is still legally authorized to accept Federal prisoners if they are sent here. He said he had received no official notice that the Rosenbergs would be sent to Sing Sing.

United States Attorney Irving A. Saypol said in New York that Federal procedure is to follow the customs and laws of the states in which Federal prisoners are sentenced to death.

Warden Denno said that the United States Marshal would have to arrange for the execution, either with Joseph Francel, who has a contract with New York State and other states to put prisoners to death in the electric chair.

The Federal government also will have to pay for the upkeep of the prisoners, if they are kept here pending appeal and affirmation of the death sentences. In the case of Mrs. Rosenberg, the cost could be high, Warden Denno said, recalling that the tenure of Mrs. Martha Beck, last woman to be executed here, ran to \$13,264 for special services, such as women guards in the Death House.

"I would be only their legal custodian," Warden Denno said. "If they come here, I will get legal advice."

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**No War-Peace Distinction**

The McMahon atomic energy law of 1946 makes no distinction between war time and peace time in providing death penalties but limits the offenses to atomic energy secrets. The Rosenbergs could not be tried under the McMahon act because most of their offenses occurred prior to its passage. Sen. McMahon, author of the law, commented:

"Judge Kaufman's suggestion that we re-examine the espionage act is a good one, because it covers the giving of information other than atomic secrets."

The section of the McMahon act—the atomic energy law of 1946 which would apply to atomic spying today states:

"Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or attempts to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data, shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both."

**Hickenlooper Raps Law**

Sen. Bourke B. Hickenlooper, R., Iowa, member and former chairman of the Atomic Energy Committee, said the death-penalty provision of the atomic law was "very loosely drawn" and called for re-examination of espionage laws to provide more drastic peace-time penalties.

Sen. Harley M. Kilgore, D., W. Va., a member of the Senate Judiciary Committee, said Judge Kaufman was "very right" in his decision and added, "I would vote for a stiffer penalty, including death in peacetime and certainly during this period of cold war."

# McMahon Asks Review of 1917 Espionage Law

**Backs Judge Kaufman's Call  
to Study Act Under Which  
Rosenbergs Were Tried**

*From the Herald Tribune Bureau*

WASHINGTON, April 5.—Senator Brien McMahon, D., Conn., chairman of the Joint Congressional Committee on Atomic Energy, said today that he agrees with Federal Judge Irving R. Kaufman that it is time for Congress to re-examine the penal provisions of the 1917 espionage act.

Judge Kaufman made the suggestion in New York today in imposing the death sentences on Julius Rosenberg and his wife, Ethel Greenglass Rosenberg, convicted of stealing atomic secrets for Russia in 1944.

He noted that he was able to impose the death penalties under the 1917 espionage act only because the United States was at war then and was still technically at war during the later espionage operations of the defendants. For peace-time espionage, the maximum penalty is twenty years in prison.

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## KAUFMAN REFUSED TO LET REDS TOUR

Youngest Federal Judge Here.  
Ex-Prosecutor, Denied Plea  
in First Major Decision

Federal Judge Irving R. Kaufman, mild-mannered, soft-spoken but sharp in detecting legal trickery by attorneys, is the youngest jurist in the Southern District of New York.

Shortly after he took the oath of office Nov. 1, 1949, the 40-year-old jurist decided his first major bench problem. He denied a motion by the eleven convicted Communist leaders to enlarge the jurisdiction of their bail. The defendants wanted to barnstorm the country.

Several months ago Judge Kaufman presided at the trial of Abraham Brothman and Miriam Moskowitz for conspiracy to obstruct justice. This was an offshoot of a Federal grand jury's espionage investigation. The jury found the two guilty and Judge Kaufman imposed the maximum punishment.

The judge was born here June 24, 1910. He has two brothers, one a doctor and the other a dentist, and two sisters. The youngest student to enter Fordham University, at the age of 16, he was graduated from the university's law school at 21 and admitted to the bar in June, 1932.

Two and a half years later he was appointed a special assistant to the United States Attorney in this district. In June, 1936, he became an assistant United States Attorney. He prosecuted many publicized cases, including the McKesson & Robbins case.

He resigned from the United States Attorney's office in 1940 to enter private practice with Gregory F. Noonan, who was appointed a Federal judge the same time as Judge Kaufman was, and Col. Edward P. F. Egan, now chairman of the State Athletic Commission.

Judge Kaufman was assigned along with Federal Judge Harold R. Medina, before the latter's appointment to the bench, by the Association of the Bar of the City of New York to investigate, with a view toward disbarment, Magistrate Thomas A. Aurelio's nomination for the Supreme Court after it was made public that Frank Costello, gambler, had backed Mr. Aurelio's candidacy.

In October, 1947, Judge Kaufman was appointed a special assistant to the Attorney General to set up and head a lobbying investigation under the Federal Regulations and Lobbying Act. He resigned this position in August, 1948.

Occasionally Judge Kaufman has been confused in public with Federal Judge Samuel R. Kaufman, who presided at the first perjury trial of Alger Hiss, which ended in a hung jury.

Judge Irving Kaufman is married to the former Helen Rosenberg. They have three sons, Robert, 12, and James and Richard, 8-year-old twins.

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### The Death Penalty

The imposition of the death penalty on Julius and Ethel Rosenberg must come to most with a shocking impact. Yet it would be difficult to argue that the penalty is excessive. These people took it upon themselves to meddle into the deadliest secret that history has known. It cannot be said that they were unaware of what they were doing; the most elaborate apparatus of security to which our government ever resorted had been thrown around this operation, and was in itself a sufficient warning. The fact that the foreign power in whose service they placed themselves was at the time fighting in alliance with the United States is not relevant. They raised their egotistic judgment above that of the nation and its trustees; and the result, as Judge Kaufman points out, has confirmed the appalling character of the treachery. The consequences of their espionage have already seriously affected not only the fate but the daily lives of millions of their countrymen, and may yet quite possibly lead to the mass slaughter of untold hosts.

Communist conspiracy and betrayal are not, as they so often seem to those who get entangled in them, a parlor-game or innocent intellectual exercise. They are meant to be and they are a deadly instrument for the murder of free societies and the destruction of peoples. They have flourished on their own ceaseless pretense that treason is not treasonable, that slavery is liberty, that betrayal is patriotism, that conspiracy and espionage are a service to democracy. This pretense must be destroyed; the truth must be brought home that secretly to undermine and betray the state in the interests of a bloody foreign imperialism is a crime and an extremely serious crime. In this instance the proof is plain; here cause—the theft of a deadly knowledge—is linked directly with effect—a world of fear and tension, of battle death and suffering. If the death penalty comes with a shock, it is a salutary shock. The terrible egotism of the traitor is a thing of incalculable potential danger, beyond condoning or excuse.

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# Greenglass Up For A-Spy Sentence

*Related news on Page 13.*

Former Army Sergeant David Greenglass, 28, comes up for sentencing today for his part in the Soviet A-bomb spy conspiracy.

The pudgy confessed traitor was star witness against his sister and brother-in-law, Ethel and Julius Rosenberg, who were given the death penalty yesterday for betraying atomic secrets to Russia in wartime.

Greenglass' fate will be pronounced by Federal Judge Irving Kaufman, who imposed extreme sentences on the Rosenbergs and sentenced a co-conspirator, Morton Sobell, 33, to prison for 30 years.

The ex-GI's help to the government in piling up evidence used at the trial of Mr. and Mrs. Rosenberg and Sobell was expected to be weighed in his favor when sentence is passed.

It was Greenglass who first implicated the Rosenbergs. He testified they talked him into stealing atomic secrets for the Russians while he was an Army technician at the Los Alamos, N. Mex., atomic plant in 1945.

Greenglass admitted he passed secret information to Harry Gold, a principal Philadelphia chemist and principal American contact of Dr. Klaus Fuchs, the British scientist. Both were netted in the spy roundup and sent to prison.

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*Wired Telegram & Gen*

RECEIVED BY N. Y. DIVISION

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munist aggression in Korea with the resultant casualties exceeding 50,000 Americans and who knows but that millions more of innocent people may pay the price of your treason.

"Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

The Rosenbergs broke into song after they were led off to detention cells. Guards said they had the impression this was to bolster the courage of the traitors.

Mrs. Rosenberg, a five foot 100-pound brunet, sang in soprano "America Is A Beautiful Country," "Goodnight Irene," and "One Fine Day" from "Madame Butterfly." Her husband cut loose with a solo on "The Battle Hymn Of The Republic."

#### RAISES COMPLICATIONS.

At Sing Sing Prison authorities admittedly were a bit flustered at the prospect of having the Rosenbergs in the death house.

Warden Wilfred Denno commented:

"This is complicated. It raises a lot of questions. It would be something unusual and unprecedented.

"If they are brought here I will get legal advice.

"If they are executed it will be up to the U. S. Marshal to arrange the execution and to select the executioner. All I would be is the custodian of the two prisoners."

He explained it would be up to New York's executioner, Joseph Francel, whether he wanted to accept a Federal assignment to dispatch the Rosenbergs. Francel gets \$150 per person.

He's never worked for the Federal government before.

There hasn't been a Federal prisoner in Sing Sing since 1905 and never has one been put to death there. The reason the Rosenbergs were to be sent there was because Federal law provides execution in the legal form of the state of conviction.

Spies die at dawn. That's because the Federal statutes provide for execution at sunrise, instead of at 11 p. m., traditional hour for dispatching prisoners at Sing Sing.

The law also provides that the doomed can each invite three friends or relatives to see them off.

In addition, the law provides for no more than "five respectable citizens" in addition to members of the press.

#### SPY NAMED SPY.

The way to the death house at Sing Sing was paved for the Rosenbergs by Ethel's youngest brother, David Greenglass, who confessed his role in handing America's A-bomb to Soviet Russia.

The Soviet spy net began to unravel in February, 1950, when German-born Dr. Klaus Fuchs was seized in England where he was a top atomic scientist.

The downfall of this mastermind led to the arrest of Harry Gold, 39, Philadelphia biochemist, who had passed secrets to Fuchs.

Gold pointed to Greenglass. Seized by the FBI June 16, 1950, the former Army sergeant implicated his sister and brother-in-law. He claimed Rosenberg recruited him for the spy ring.

Mrs. Rosenberg was seized last Aug. 11 as she left the U. S. Court House here where she testified before a grand jury probing subversive activities.

Rosenberg long had wanted to help Communist Russia. He found a partner in Sobell, an old classmate at City College, to help sound out prospects for the spy ring.

Greenglass, the father of a boy 4½ and a girl 11 months old, stole some of the most vital secrets in the manufacture of the atomic bomb while he was stationed at Los Alamos.

The newest A-bomb mechanisms were sketched by Greenglass and passed to Soviet Russia through the Rosenbergs.

#### **BELIEVE SELVES VICTIMS.**

Their attorney, Emanuel Bloch, insisted the pair never would change their plea of innocent.

"They believe they are victims of political hysteria and that their sentence was based upon extraneous political consideration having no legitimate or legal connection with the crime charged against them," he said.

Judge Kaufman, not yet turned 41 and one of the youngest men on the Federal bench, showed plainly the heavy burden he shouldered in imposing the death penalty on the parents who stood white-faced before him.

Several times during the past week he went to his synagogue to seek spiritual guidance for the decision he had to make over these lives. Since their conviction he had slept only about 10 hours.

U. S. Attorney Saypol, too, attended his synagogue in search of spiritual strength from a power greater than himself as he faced the task of asking for sentence on those who betrayed a nation.

Judge Kaufman saw the effect of the espionage by the Rosenbergs, Sobell and Greenglass, sweeping ages beyond the individual lives involved in the Federal Court drama.

To the Rosenbergs he declared in a voice tight with emotion:

"I believe your conduct in putting into the hands of the Russians the A-bomb, years before our best scientists predicted Russia would perfect the bomb, has already caused the Com-

# Sentence Ex-GI— As A-Spy Today

By HOWARD RUSHMORE

Continued from First Page

year sentenced confessed spy Harry Gold to the maximum 30 years in spite of the Justice Department's recommendation of leniency.

Greenglass, former technician at the A-bomb plant at Los Alamos, N. M., was to have been sentenced at the same time as the Rosenbergs and Morton Sobell, 32, who was implicated to a lesser degree and got 30 years.

## ASKED TIME FOR PLEA.

The spelling out of the fate of Greenglass was put off at the request of his attorney, O. John Rogge, who claimed he did not have sufficient time to prepare his plea before sentencing.

Attorneys for the Rosenbergs and Sobell, found guilty of es-

pionage March 29 after a three-week trial by a jury of 11 men and one woman, announced they would appeal the verdict to the U. S. Court of Appeals.

They said they will fight through to the U. S. Supreme Court, if necessary.

The Supreme Court could alter the verdict, but cannot change the death penalty. Only President Truman is empowered to save the Rosenbergs from the chair if the higher courts reject their appeals.

However, filing of the appeals probably would stay their executions for perhaps months.

The petite Ethel Rosenberg spent the night in a cell at the Women's House of Detention at 10th st. and 8th ave. Her husband was lodged at the Federal House of Detention at West and 11th sts.

Rosenberg slept at least part of the night.

Guards at the Women's House of Detention reported Mrs. Rosenberg also slept and was up at 6:30 a. m., apparently cheerful. Asked how she felt she replied:

"I feel fine."

She breakfasted on stewed fruit, hot cereal, bread, apple butter and coffee.

Both may be moved today and eventually will go to Sing Sing at Ossining.

## EXPERT GETS 30 YEARS.

Sobell, a radar expert formerly of Flushing, will be sent to a Federal penitentiary to serve out his 30 year sentence as a co-conspirator in the spy net that handed atomic secrets to Russia, lock, stock and bomb.

The Rosenbergs, parents of two boys, Michael, 8, and Robert, 4, were the first husband-wife team to receive the death sentence in a Federal court.

Mrs. Rosenberg will be the first woman executed by Federal Court order since 1865.

The maximum penalty also was the first given in a civil court under the 1917 Espionage Act.

Little sympathy was excited for the pair branded by Judge Kaufman as traitors whose crime was "worse than murder."

He gave Mrs. Rosenberg a tongue-lashing for sacrificing her own children to the imperialistic cause of the Communist Russian dictatorship.

The couple, who recently had lived at 10 Monroe st., Knickerbocker Village, were visibly shaken by the verdict directing that they be executed during the week of May 31.

# Ex-GI to Hear Fate as A-Spy

(Page of Photos in Picture Section. Other Stories Pages 9 and 10.)

By HOWARD RUSHMORE

Sentence was to be passed in Federal Court today on former Army sergeant, David Greenglass, 29, who stole vital secrets of the atomic bomb for Communist Russia.

He could get death.

However, U. S. Attorney Saypol was expected to make a Government plea for leniency.

Greenglass, who pleaded guilty and became a Government witness, learns his fate in the same courtroom where his sister and her husband were doomed to death.

The chunky mechanic's testimony last month proved the major factor in a jury's guilty verdict against Ethel Rosenberg, 35, and her husband, Julius, 32, parents of two small children.

By this evidence Greenglass presumably bought his own life. The Government indicated willingness to recommend a 15-to-20 year prison sentence for him.

However, Federal Judge Irving R. Kaufman, who sentenced the Rosenbergs yesterday, was not bound by the Government's plea.

In this connection it was recalled that Federal Judge McGrawery in Philadelphia last

Continued on Page 10, Column 2.

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## Death for Spies.

In passing the death sentence on Julius Rosenberg, electrical engineer, and his wife Ethel, and in sentencing their accomplice, Morton Sobell, to thirty years, Judge Irving R. Kaufman measured up to the heavy responsibilities placed upon him.

After an eminently fair trial, these people were convicted of having transmitted to Russia most vital secrets regarding the atom bomb. It is not unreasonable to assume that without the knowledge these spies furnished the Russians might have been stymied, or at least seriously delayed, in making an effective A-bomb of their own.

As Judge Kaufman observed when he thanked the jurors for their conscientious verdict, "That citizens should lend themselves to the destruction of their own country by the most destructive weapon is so shocking that I can't find words to describe this loathsome offense."

In meting out the maximum penalty under the law, Judge Kaufman has found his answer. And it provides welcome assurance that the United States is beginning to look at things realistically.

The world long has had the impression that this country is soft; that it hesitates to make the punishment really fit the crime. One reason spies have operated here with comparative impunity was their feeling that, if caught, they might evade punishment on some legal technicality and that, if convicted, they would suffer nothing worse than imprisonment.

Now notice is being served on such people that the United States means business. Those who take all that this country has to offer and then are willing to betray it to its enemies, no longer will be let off with a slap on the wrist.

Undoubtedly the Commies and their sympathizers will cry to high heaven about hysteria and lynch law. For them there is just one answer. The pair now sentenced to death were given every legal safeguard, every chance to establish their innocence, something they could not have expected in any totalitarian lands under domination of the country they traitorously served.

Judge Kaufman, by his firmness, set an example which all who are called upon to deal with spies and saboteurs should follow.

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# Sobell Gets 30 Years

power our secrets concerning the newer type atom bombs, or even the H-bomb, the maximum punishment that any court could impose in that situation would be 20 years.

"I, therefore, say that it is time for Congress to reexamine the penal provisions of the espionage statute."

Espionage such as committed by the Rosenbergs "does not reflect the courage of a Nathan Hale, risking his life in the service of his own country," Judge Kaufman observed.

"It was rather a sordid, dirty work—however idealistic the rationalizations of the persons engaged in it—with but one paramount theme, the betrayal of one's own country."

At no time in American history, the judge added, has this country been confronted with such a challenge to its existence as today. "The atom bomb was unknown when the espionage statute was drafted. I emphasize this because we must realize that we are dealing with missiles of destructions which can wipe out millions of Americans."

America's competitive advantage in super-weapons, he continued, has put a premium on the services of a new school of spies—"the home-grown variety that places allegiance to a foreign power before loyalty to the U. S."

Kaufman found it ironic that the country the defendants sought to destroy had given them a fair and impartial trial, lasting three weeks.

## Different in Russia.

"I recall the defendant Julius Rosenberg testifying that our American system of jurisprudence met with his approval and was preferred over Russian justice," said the judge. "Even the defendants realize, by this admission, that this type of trial would not have been afforded them in Russia. Certainly, to a Russian national accused of a conspiracy to destroy Russia not one day would have been consumed in a trial."

He told the defendants that by their betrayal "you undoubtedly have altered the course of history to the disadvantage of our country." He continued:

"We have evidence of your treachery all around us every day—for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack."

"In the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate; that traffic in military secrets, whether promoted by slavish devotion to a foreign ideology, or by a desire for monetary gains, must cease."

Judge Kaufman said he had deliberated "hours, days and nights" seeking a reason for mercy, but was convinced leniency would violate the public trust lodged in him.

"It is not in my power, Julius and Ethel Rosenberg, to forgive you," he said solemnly. "Only the Lord can find mercy for what you have done."

The doomed pair had a chance to exchange only a question and answer as they were led from the room.

"How do you feel?" Rosenberg asked his wife.

"Fine," said Ethel Rosenberg. "I feel all right—if you feel all right."

## No Atomic Theft.

Sentencing of Sobell was much briefer. Judge Kaufman said he didn't doubt Sobell had been engaged in espionage, but that his guilt appeared in a lesser light because no connection with the atom thefts had been shown.

So he gave Sobell 30 years—with a recommendation against lessening the term by parole. Ordinarily, the defendant might have been eligible for parole after 10 years.

Sobell listened silently, eyes glued to the floor.

(Other picture on page 1)

# Rosenbergs to Die as A-Spies,

(Continued from page 3)

tors packing every available foot of courtroom. The Rosenbergs took it in silence. Judge Kaufman declared a brief recess, and attendants led the domed pair out. Ten minutes later Sobell's turn came.

At 5:45 P. M. Marshal William A. Carroll escorted the prisoners to their night lodgings—Mrs. Rosenberg to the Women's House of Detention, her husband to the Federal House of Detention and Sobell to the City Prison. Carroll hopes to arrange for the transfer of the Rosenbergs to Sing Sing today.

Later the Rosenbergs burst into song in their cells. Ethel sang "One Fine Day" and "Goodnight Irene" and her husband sang "The Battle Hymn of the Republic."

## Greenglass Today.

Before calling in the Rosenbergs, Judge Kaufman had postponed until 2 P. M. today the sentencing of Mrs. Rosenberg's brother, David Greenglass, 28, pudgy ex-Army sergeant who was persuaded to transmit information to the Rosenbergs while he was stationed in 1945 at the super-secret Los Alamos, N. M., atom project.

Greenglass was indicted with his sister, brother-in-law and Sobell, but pleaded guilty and became a star witness against them. Though technically liable to the death penalty, it's a safe bet Greenglass will draw a prison term. Judge Kaufman mentioned that it had required "a lot of soul-searching and courage" for Greenglass to aid his Government against his kin.

Counsel for Sobell and the Rosenbergs announced they would appeal.

Mrs. Rosenberg, who formerly lived with her husband and children at 1 Monroe St. in Knickerbocker Village, was light-hearted on her way to court from the Women's House of Detention. She chatted about the weather and hats with her escort, Deputy Marshal Lillian McLaughlin.

She entered the court anteroom at 9:40, wearing a gray coat, blue hat, blue skirt and red vest over a pinkish blouse. Sobell had arrived from City Prison earlier, handcuffed to a marshal. He carried a book titled "The Dead Stay Young."

Rosenberg was ushered in at 10. His glance fell first on Sobell, his friend since their student days at City College. Then he saw his wife. But there was no conversation; attendants kept them apart.

In the court, defense counsel were putting up their last fight before the sentencing. Emanuel H. Bloch, for the Rosenbergs, moved for a new trial and an arrest of judgment on grounds previously stated. Kaufman denied the motion.

Harold H. Phillips, Sobell's law-

A brief sketch of Judge Kaufman appears on page 14.

yer, charged his client had been snatched up illegally by Mexican officials in Mexico and thrust across the border unfairly into waiting FBI hands. Judge Kaufman was not impressed.

The Rosenbergs then were brought in, and U. S. Attorney Irving H. Saypol rose.

## Saypol Cites Penalties.

Saypol cited the statutes on wartime espionage punishment, noting that the maximum alternatives were death or not more than 30 years' imprisonment. He confessed a certain confusion as to why Congress had not permitted a prison sentence of more than 30 years in lieu of death, but urged the court to consider closely the Rosenbergs' offense.

"They gave their allegiance to forces which now are proven allied to the real enemy in Korea, where young American lives are being sacrificed daily," said Saypol.

"How can the life of a single individual engaged in such treasonable activities be weighed against the life of a single American soldier fighting in a distant land?"

## Generations Affected.

"In terms of human life, these defendants have affected the lives, and perhaps the freedom, of whole generations of mankind.

"In the light of these considerations, is there room for compassion or mercy? Is there not an absolute duty to exercise the only weapons of defense available to our free judicial system which is here charged with acting in defense of our society?"

The prosecutor declared leniency would be merely an invitation to increased activity by this country's internal foes.

Bloch, for the Rosenbergs, asked that their actions be judged in the light of the 1944-45 international situation when Russia still was



U. S. Attorney Saypol  
Conducted Government's case

playing the role of ally. Public opinion would not have been outraged had they been detected in 1945, he asserted. He also said the political wheel might turn again, with Russia becoming a friend.

"Tokyo Rose and Axis Sally were convicted of treason and received terms of only 10 to 15 years," Bloch argued in a last try, as Judge Kaufman remained unmoved.

In commencing sentence, the jurist called attention to a broad loophole in the espionage laws. While the Rosenberg-Sobell-Greenglass conspiracy occurred in wartime and thus became subject to the highest punishment, the current law provides only a 20-year maximum for similar actions in peacetime.

"I ask that some thought be given to that," Kaufman said, "for it most likely means that even if spies are successful in 1951 in delivering to Russia or any foreign

# 2 Rosenbergs To Die, Sobell Gets 30 Yrs.

By Anthony Marino and Neal Patterson

A grim warning to America's homegrown Red spies was spelled out yesterday in Federal Court when Judge Irving Kaufman imposed death sentences on Julius Rosenberg, 32, and his wife, Ethel, 35, convicted of passing to the Russians A-bomb secrets which, the jurist said, had placed the kingpin weapon in enemy hands "years before our best scientists predicted Russia would perfect the bomb."

Their co-defendant, Morton Sobell, 35-year-old electronics expert, got off with a 30-year prison term, the longest permitted by law. He escaped the death penalty because the espionage evidence against him had not involved the atom bomb.

"Your crime is worse than murder," Judge Kaufman told the couple who stood, unblinking, before him. "Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed."

He voiced belief that their conduct, in advancing Soviet preparation for A-bomb warfare and boosting Russian confidence, "has already caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason?"

The judge blasted the bespectacled Rosenberg as the "prime mover" in the conspiracy, but declared Mrs. Rosenberg was a "full-fledged partner," who encouraged and assisted him in his crime. Both, he asserted, had placed love of Communism over their love for their two children.

## Exchange Glances.

The Rosenbergs, pale during the preliminaries, colored as Judge Kaufman began reading from a prepared text. They showed no emotion as his scaring words started breaking over them. But twice



(NEWS photo by Bill Meurer)  
Judge Kaufman in his chambers after imposing sentences on the Rosenbergs and Morton Sobell.

Mrs. Rosenberg extended her left hand to clasp her husband's right. They exchanged glances, then again faced the judge.

Mrs. Rosenberg moistened her thinly rouged lips as the judge's words made clear the coming penalty. Her husband's jaw muscles bulged slightly.

"The sentence of the court upon Julius and Ethel Rosenberg is death," Kaufman concluded, "to be executed during the week beginning May 21."

A long gasp came from specta-

(Continued on page 16, col. 1)

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# The Judge: He's Young and Rough on Reds

The judge who yesterday pronounced the doom of the three atom spies is 40 years old—the youngest of the 14 federal judges in the Southern District of New York. Irving R. Kaufman was born in New York City on June 24, 1910.

A graduate of Fordham Law School at the age of 21, Kaufman was admitted to the bar in 1932 and two and a half years later was appointed a special assistant to the U. S. Attorney in this District. In June he became an Assistant U. S. Attorney and promptly stepped into the limelight by prosecuting the sensational McKesson & Robbins swindle.

## Snubbed 11 Commies.

In 1940, Kaufman joined the firm of Noonan, Kaufman and Egan, where he carried on private practice until he donned the robe.

After the 11 Communist leaders had been convicted before Judge Harold R. Medina, they came before Judge Kaufman with a request that they be allowed to barnstorm the nation, pleading their case and raising an appeal fund. Kaufman curtly turned them down.

Following other minor brushes with Communists, Kaufman more recently dealt with Abraham Brothman and Miriam Moskowitz, charged with conspiracy to obstruct justice in connection with a

grand jury investigation of espionage. They were convicted and the young jurist handed them the toughest raps the law allowed: seven years for Brothman and two for Miss Moskowitz.

"I regret," he told them, "that the law restricts me to these maximum sentences."

Judge Kaufman and his wife, Helen, live at 1185 Park Ave. They have three sons, Robert, 12, and James and Richard, 9-year-old twins.

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Lincoln's assassination was Mrs. Mary E. Surratt, in whose Washington boarding house the slayers hatched their plot. She and three men were hanged in Washington on July 9, 1865.

The Nazi saboteurs executed in

the capital were Herbert Haupt, Edward J. Kerlin, Heinrich H. Heinck, Richard Quirin, Werner Thiel and Hermann Neubauer. Two accomplices who testified for the Government were spared. Ernest P. Burger got life and George J. Dasch 30 years.

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# 'If Spies Die: New Chapter in U. S. History'

If the execution of Julius and Ethel Rosenberg for espionage is carried out, its recording will be the first such entry in the ledger of American history.

No death sentence, had been imposed from the time the Government enacted the Espionage Act in 1917 until Judge Kaufman pronounced his words of doom yesterday.

Military courts had decreed death for various offenses—six Nazi saboteurs were electrocuted in Washington on Aug. 8, 1942, and four persons, one a woman, were hanged for the assassination of President Lincoln.

The death penalty, too, had been meted out from time to time for treason. But no such sentence was ever carried out.

"From a historical viewpoint," commented Dr. Allan Nevins, historian and Pulitzer prize winner

yesterday, "this is a case that will be long remembered."

Execution for a federal offense in peacetime always has been a rarity, and especially so in this U. S. district. No records could be found in Foley Square of such an event. Veteran attaches said they believed the last person put to death by the Government here was a sailor, hanged for mutiny about 100 years ago. No woman ever has been executed, they reported.

Among the nation's celebrated treason defendants were:

John Fries. A foe of direct taxation, he led the "Fries Rebellion" in Pennsylvania in 1789, was convicted of treason by a federal jury and sentenced to death, but pardoned by President John Adams.

Aaron Burr. Defeated for the Presidency by Thomas Jefferson, he was accused of plotting to set up an independent government in the Southwest, with New Orleans as capital. He was arrested for treason but acquitted by a jury in Richmond, Va., in 1807.

Lambdin P. Milligan, Indiana editor. He was sentenced to death in 1866 by a military court for insurrection, treason and giving aid to the Confederacy. The Supreme Court ruled the military had no jurisdiction, and freed him.

Jefferson Davis, President of the Confederacy. He was arrested for treason along with other members of his Government. All were amnestied.

The nation's first major traitor, Benedict Arnold, fled after betraying secrets to the British during the Revolutionary War, and never was caught.

The woman executed for her

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# 'They Can't Do Anything Wrong!'

## -A Wail From Spies' Children

By LOY WARWICK

The two kids knew something—something very bad—had happened to their mother and father. But they didn't understand just what . . .

They didn't understand and, indeed, were not told, that their parents—Julius and Ethel Rosenberg—had been condemned to death for wartime spying.

Michael, 8, and Robert, 4, were in a children's Shelter in The Bronx. They had been told earlier that the reason they had been separated from their parents was that they were on trial for giving away "secrets."

Mike said he understood something of what he was being told officials of the home. Robert

just shook his head and said he couldn't figure it . . .

"Mommy and Daddy can't do anything wrong," Robert said.

Mike looked up into the eyes of the soft-spoken man who had told them:

"Your mother and father have been found guilty and the sentence is very severe."

"They couldn't do anything wrong," he said. "They taught us never to do anything wrong."

Michael and Robert stood stunned, waiting as if to hear something to allay their childish fears, to remove the nightmare fashioned by grownups.

There wasn't anything the man could tell them. The two little boys were taken gently away.

"Ever since they've been at the

home," the man said, "the youngsters have been asking for their mommy and daddy."

"Several times they've been visited by kinsfolks, who brought them candy and toys."

### The Awful Truth Ungrasped

The shelter man went on reflectively:

"At first, the children were aloof and a little stand-offish. But, after awhile, they learned to get along with the other kids."

"Both of them—they're bright and interested in everything."

He thought for a moment.

"I don't know what will happen to them now."

Michael and Robert, of course, had no real comprehension of the awful doom that hung today over

their beloved "mommy and daddy."

Federal Judge Kaufman called their parents the prime movers in a "diabolical conspiracy to destroy this God-fearing nation."

Michael and Robert said their mother and father couldn't do anything wrong . . .

But Kaufman said:

"Your crime is worse than murder . . . Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed."

Before sentencing Julius and Ethel Rosenberg to death Judge Kaufman remembered Michael and Robert.

"You have placed love of Communism," he told the Rosenbergs, "over the love of your two children."



MRS. ETHEL ROSENBERG  
Condemned Mother

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information, which his cock-sure Communist brother-in-law induced him to pass along for Russia.

#### BLAME SLUM BACKGROUND.

Behind them was the Soviet vice counsel, Anatoli A. Yakovelev, who since has disappeared behind the Iron Curtain the Rosenbergs and Greenglass helped support.

Some, including the widowed mother of Ethel and David, were

inclined to trace their spying activities to their slum poverty background.

But this view overlooked some other products of the lower East Side slums who rose to great heights on the American system of opportunity to all. These included the likes of:

Al Smith, who became Governor of the State of New York and a fighter for a better life, whose

monument stands facing the very apartment building where the spies betrayed the nation; Irving Berlin and George Gershwin, whose heads swam with great music that made them fortunes.

Both Ethel and Julius Rosenberg were out of poor families that struggled for survival in New York City's swarming lower East Side. His parents came from Russia. Her father was born in Russia while her mother came here from Poland.

#### **CHANCE AIDED PLOT.**

The Rosenbergs, and Ethel's brother, David Greenglass, were obscure zeros among New York City's 8,000,000.

This very obscurity undoubtedly helped them steal the multi-billion dollar secrets of the atomic bomb for Communist Russia.

Chance rather than design put these nonentities into possession of the precious secrets.

David's assignment by the Army to the A-bomb project at Los Alamos allowed him access to the

## Drab 'Mata Hari' to Make History:

Little Ethel Rosenberg makes a big mark in American history.

If executed, she will be the second woman put to death by Federal Court order.

pensive prisoner ever maintained by the state in the death house. She cost \$13,541 for one year, six months. Food accounted for \$277. The rest was for four ma-  
trons.

Physically, Mrs. Rosenberg posed problems the exact opposite of those encountered with Mrs. Beck.

The "Lonely Hearts" slayer was a big, fat woman who was barely able to squeeze her 200 pounds into the death chair.

**RECALLS MATI HARL**

Mrs. Rosenberg is a little bit of a woman just about five feet tall and scaling maybe 100 pounds.

Historically, perhaps the closest match with Mrs. Rosenberg was the notorious lady spy, Mata Hari, the Dutch hip-slinger put before a firing squad by the French during World War I.

**DRAB CONTRAST.**

Beside the voluptuous shake artist of World War I Ethel Rosenberg presents a drab picture. In terms of military advantage, however, her espionage has Mata's beat a country mile.

*[Handwritten signature]*

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# By HOWARD RUSHMORE

With two atomic spies on their way to the electric chair and two others sentenced to prison, the Government today turned its efforts to arrests of other members of the Communist espionage network.

David Greenglass, 29, a former Army sergeant at Los Alamos escaped a long jail sentence and possibly death when Federal Judge Irving R. Kaufman sentenced him to 15 years.

Pointing out he did this only because of Greenglass' cooperation with the government, Kaufman stressed that Greenglass' testimony had been a help to national security.

The government hopes other spies may come forward and reveal their accomplices and U. S. Attorney Saypol's recommendation was predicated on this assumption.

Greenglass will begin serving his sentence next week while his sister, Ethel Rosenberg, 35, and her husband, Julius, 32, fight to escape the electric chair.

## AWAITS JAIL RULING.

Greenglass was the chief witness against his relatives in the trial which ended last week.

A notice of appeal, requesting arrest of judgment and a new trial, already was filed in behalf of the Rosenbergs by their attorney, Emanuel H. Bloch.

They and radar expert Martin Sobell, who got 30 years for a lesser part in the spy plot, remained in local prisons.

The Rosenbergs are due to be transferred to Sing Sing Prison at Ossining, where they would be executed if their appeals fail.

Greenglass, who allegedly got \$500 for some of the most vital secrets of the billion-dollar A-bomb, was held in the Tombs pending decision by Federal authorities on the penitentiary where he is to serve.

He will be eligible for parole after five years. His wife Ruth,



**BITTER . . .** "I'll tear you to pieces," shouts Mrs. Margaret Weeks of 326 E. 113th st., a Foley sq. bystander. Her target was Mrs. Greenglass.

Journal-American Photo by Ed Pickvood

mother of a boy 4½ and a 10-months infant, returned to their cold-water flat at 265 Rivington st.—under fire.

A woman who identified herself as Mrs. Margaret Weeks of 326 E. 113th st., an Austrian native now a naturalized citizen, ran up to the cab in which Mrs. Greenglass was leaving the Federal Building.

"Come out and I'll tear you to pieces. I was born in Austria and I'm proud to be an American."

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FROM

NY

*Journal American*

F. B. I.

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TO

For that reason, the judge said, "it is time for Congress to re-examine the penal provisions of the espionage statutes."

Senator Brien McMahon, Democrat of Connecticut, chairman of the Senate-House Atomic Energy Committee, said he agreed the punishment provisions of the general espionage laws should be reviewed. But he called attention to the provision of the atomic energy law that provides for the death penalty or life imprisonment under certain circumstances at any time.

Senator McMahon said the three spies sentenced by Judge Kaufman were tried under the general espionage laws, rather than the atomic act, because the atomic measure was not put on the books until 1946.

"The offense of the three persons convicted took place before that," Senator McMahon said, adding that the law could not be applied retroactively.

Senator Edwin C. Johnson, Democrat of Colorado, also a member of the Atomic Committee, said he agreed with Senator McMahon that the punishment provisions of the atomic law were adequate. He added, however, that the general espionage laws were too lenient. "I think the death penalty should be permitted at any time," Senator Johnson declared. "I can't see much difference between peace and war these days, the way we jockey back and forth between the two, with a 'cold war' in between."

#### Law Called Too Loose

Senator Bourke B. Hickenlooper, Republican of Iowa also called for more drastic penalties generally. He said, too, that he felt the death penalty and life imprisonment provisions of the atomic energy law were "very loosely drawn" and amount to an "ineffective approach."

Senator Hickenlooper, a member and former chairman of the Atomic Committee, added:

"Because the espionage statutes are so loosely drawn, there are people running around in this country who committed very serious espionage crimes during the war, but who cannot be prosecuted unless you get them on perjury."

Senator John W. Bricker, Republican of Ohio, another member of the Atomic Committee, said that at the next meeting of the group he would raise the question as to whether the atomic law punishment provisions were tight enough.

Senator Ferguson said the penalty for atomic spying already was "plenty tough" and that Judge Kaufman "happens to be wrong" in saying espionage agents in that field could get no more than twenty years.

"But he is perfectly right about a need for stricter penalties in nonatomic cases," Senator Ferguson said. "This nation has other secrets which are just as impor-



# SENATORS ENDORSE STRONGER SPY LAW

## Back Judge Kaufman's Appeal for More Severe Penalties in Peacetime Espionage

WASHINGTON, April 8 (UPI)—Senators today endorsed a Federal judge's appeal for severer espionage penalties in peacetime and under "cold war" conditions.

They called for the death penalty in certain cases, but some said there was no need to revise the punishment provisions of the law that deals specifically with atomic secrets spies.

That law, they noted, already provides for the death sentence or life imprisonment—in war or peace—when a jury recommends it in cases where espionage is committed with the intention of aiding a foreign nation.

But there was general agreement that penalties covering non-atomic spying should be more drastic.

Senator Homer Ferguson, Republican of Michigan, said he and Senator Warren G. Magnuson, Democrat of Washington, were named by the Senate Judiciary Committee some time ago to study the general espionage laws.

### Greater Penalties Indicated

Although the study is not completed, Senator Ferguson said, it indicates the penalty provisions for non-wartime spying should be tightened. The death penalty should be imposed in some cases, Mr. Ferguson added.

The matter was pointed up yesterday in New York when Judge Irving R. Kaufman sentenced two atomic spies to death and a third to thirty years in prison. They were accused of helping pass atomic secrets to Russia during World War II.

Judge Kaufman pointed out that if the espionage had been committed when the nation was not at war, the maximum punishment would have been twenty years' imprisonment.

That section of the general espionage law was enacted in 1917 when, Judge Kaufman said, "the Russian international spy ring did not present the threat to all of us which it does now."

Judge Kaufman added that on the basis of existing law, "it most likely means that even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer type atom bombs or even the H-bomb, the maximum punish-

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New York, N.Y.  
4/7/51

MEMO

Re: JULIUS ROSENBERG  
ESP. R.

### BETTER COME CLEAN, FOLKS

Federal Judge Irving R. (Rough on Red Rats) Kaufman sentences two atom spies (Julius and Ethel Rosenberg) to the chair and soaks a third with a 30-year prison sentence. Then the judge turns around and deals out a significantly lighter sentence—15 years—to the fourth defendant, David Greenglass.



Judge Kaufman

We think His Honor did the right thing toward all four of these wartime passers of atomic secrets to Soviet Russia.

The relatively lenient treatment of Greenglass was particularly proper, we believe, because he turned state's evidence to help bring about the convictions.

It's to be hoped that Greenglass' reward will be pondered carefully by any other Americans who may now be mixed up in Soviet spy rings. If they'll come clean and help the Government nail their pals, they can hope for mild penalties. If they don't, they can expect the brilliant and relentless FBI to be knocking at their doors sooner or later. Better come on in, folks, before you're hauled in.

The contents of the above editorial were furnished the Bureau 4/7/51. The Bureau will obtain same in Washington, D.C.

ROBERT R. GRANVILLE, SA

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CLIPPING FROM THE

Daily News

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DIVISION

## Saypol Promises More Spy Arrests

**Says F. B. I. Provided Basis  
for Prosecutions**

United States Attorney Irving H. Saypol said last night that further arrests and prosecutions for espionage will follow the recent conviction of atomic secret spies.

Interviewed on a WOR radio station program, "This Week on the Communist Front," from 9:45 to 10 p. m., Mr. Saypol explained that the Justice Department and its police arm, the Federal Bureau of Investigation, had gathered sufficient information upon which his office can base prosecutions.

"Then you are embarking on a whole series of arrests?" David Snell, his interviewer, asked.

"Oh, yes," said Mr. Saypol.

Mr. Saypol said after the program that the impending prosecutions would begin in the near future and would involve persons connected with Julius Rosenberg and his wife, Ethel, who were sentenced to die in the electric chair for espionage in war time.

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F. B. I.  
APR 10 1951  
N. Y.  
TO Mr. Tamm

Herald Tribune



## Saypol Forecasts More Spy Arrests

United States Attorney Irving H. Saypol is sharpening his legal ax for a series of prosecutions of suspected spies.

Mr. Saypol revealed last night that his office has "sufficient information so that we are embarking on a series of prosecutions to stamp out this vice (espionage)."

He disclosed the forthcoming arrests on a radio program, "This Week on the Communist Front," conducted by David Snell, staff writer for the World-Telegram and Sun.

Mr. Saypol recently completed the successful prosecution of the country's first atomic spy trial, in which Julius Rosenberg and his wife, Ethel, were sentenced to death for wartime espionage. Their co-defendants, Morton Sobell and David Greenglass, received prison terms.

The impending prosecutions would get under way soon, it was said, and involve persons associated with the Rosenbergs.

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FROM  
BY

MAILED APR 9 1951

RECORDED BY K. N. CHASE

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## Whole Series Of Spy Cases Due, Declares Saypol

U. S. Attorney Irving H. Saypol says the public can expect a "whole series" of new espionage cases.

Saypol, successful prosecutor in the Government's trial of condemned atom spies Julius Rosenberg and his wife, Ethel, said various persons connected with their case would be prosecuted.

He indicated, too, that other persons might be arrested "very soon."

"Because of the vigilance of the FBI we know more about espionage than anyone would suspect," Saypol said.

Saypol's statements were in a radio interview over Station WOR conducted yesterday by David Snell, a reporter for the New York World Telegram and Sun.

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## Saddest Story

By Max Lerner

Ford Madox Ford once began a novel (I quote from memory) "This is the saddest story I have ever known." I thought I had known many sad stories, but there are few sadder than that of the Rosenbergs who were sentenced to death last week for espionage.

I have spent the weekend reading a startling book which includes this story. It is a factual book, 222 pages long, made up mostly of courtroom and official testimony. It is called "Soviet Atomic Espionage" (Government Printing Office) and is a report prepared by the staff of the Joint Congressional Committee on Atomic Energy, and released today. It is an even more important document than the report of the Canadian atomic spies.

The theme of this book is the tragedy of treason. The Report says with pride that there has been no known case of the breach of American espionage security since mid-1946 when the law creating the Joint Committee and the Atomic Energy Commission was enacted. But before that there were a number of cases, including the famous ones of Klaus Fuchs and Allan Nunn May. On the British side there is also an account of the recent flight of Dr. Bruno Pontecorvo, the Italian-born British scientist, to the Iron Curtain countries.

The case that is foremost in our minds now is that of David Greenglass and the Rosenbergs. The testimony in it takes up almost half of the report, from page 50 to 162.

The important question about this case, I think, is not whether the death sentence for the Rosenbergs was justified. Given the enormity of the crime, and the lives that would be destroyed in a Soviet atomic attack, the death of a man and his wife who were conscious and deliberate spies, and the soldiers of treason, seems a minor concern.

The real question is: Why did they do it? And, having done it, why have they persisted to the end in denying it?

One possible answer is that of the poverty and the slum areas of East Side life in New York. I don't think this is an adequate one. For every East Sider who is involved here, there are hundreds of thousands who never succumbed to the bitterness of poverty and deprivation enough to betray their country. You have to invoke something more decisive than the neighborhood environment.

The answer, if I may suggest it, lies in a seemingly crazy paradox. There are some who become spies for money, or out of vanity and megalomania, or out of ambition, or out of a desire for thrills. But the malady of our time is that of those who become spies out of idealism.

That as far as we can judge, was the case of Julius Rosenberg. He came out of the East Side, and fought his way through college. His father was religious and a patriot, but the son's rebellion was a rebellion against the father as well as against society. He was bright and he was tough-willed, and at some point he came to identify his life's meaning with the cause of world communism. In Ethel, he married a girl who, as her mother put it, had "always fought hard for everything." Together they were Communists, and together they spied, and were caught, and now together they face death in another six weeks, evidently with no trace of remorse.

The case of David Greenglass and his wife, Ruth, is different. David was Ethel's young brother, the classical Kid Brother, who liked to putter with chemistry and was never much of a thinker but looked up to Ethel and worshipped Julius with a hero-worship. Julius used the Kid Brother ruthlessly. He was usable, he was pliable, and as luck would have it, he was in the Army working as a machinist at Los Alamos. The stuff he gave the Russians, especially the drawings and descriptions of a lens mold for the atom bomb, was second in value only to what they got from Klaus Fuchs.

Who can doubt that in the end he did what he had to do? Yet I shouldn't like to be in the shoes of a man who, in trying to make some amends for the treason he had done his country, has had to send his sister to her death.

Judge Kaufman too did what he had to do. The sentence is drastic, yet it is scarcely possible to challenge its justice especially after reading the detailed testimony in the Atomic Committee document. My real dissent from Judge Kaufman's speech to the accused is his evident belief that the death penalty will deter others like the Rosenbergs from committing a similar treason. This is to skim the surface of their action, and ignore its deep sources.

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APR 9 1951

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N.Y.

TO

Mr. Tolson

### More Spy Arrests Due Soon, Says Saypol

More spy arrests are imminent, U. S. Attorney Saypol, prosecutor of three convicted atomic spies, said in a radio interview last night. Urging severe sentences, Saypol said "too often" spies believe that, even if caught, they will get off lightly.

The Justice Department and the FBI have compiled enough information for his office to proceed with other espionage prosecutions, Saypol revealed.

"Then you are embarking on a whole series of arrests," the interviewer asked.

"Oh, yes," the prosecutor replied. A spokesman for the radio station quoted Saypol as having said after the broadcast that the prosecutions soon to start would involve persons connected with Julius and Ethel Rosenberg, the A-spies sentenced to death last week.

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APR 10 1951
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# New Spy Arrests Near, Says Saypol

A series of new espionage arrests, following the sentencing of four A-spies here last week, can be expected shortly, U. S. Attorney Irving H. Saypol disclosed last night.

"We have now got sufficient information so that we are embarking on a series of prosecutions to stamp out this vice (espionage)," Saypol asserted.

The successful prosecutor of the A-spies appeared on a WOA program, This Week on the Communist Front, conducted by David Snell.

"Then you are embarking on a whole series of arrests?" Snell asked.

"Oh, yes," Saypol replied.

The impending prosecutions, he disclosed, will involve persons connected with the Rosenbergs—and they will be launched in the near future.

While he did not go into detail, he said that both the Justice Department and the FBI had amassed enough information for his office to go ahead with the prosecutions.

Saypol cited the recent espionage cases of Julius and Ethel Rosenberg, who last week drew the death sentence, and their co-conspirators, Morton Sobell and David Greenglass, both sentenced to prison.

## Will Fight for Death Sentence.

If potential spies knew that they would be severely punished, he stressed, many of them would be deterred from their traitorous conduct.

In the case of the Rosenbergs, he said, he will enter "a vigorous opposition" if any suggestion or motion is made for modification of the death sentence. He would only consent to a lesser penalty, he added, if it were proved the doomed couple "could do something for the Government."

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# 4 Top Spies Blasted; Speeded Red A-Bomb

Continued from First Page

trayer," probably was in a position to give the Russians more recent H-bomb information than Fuchs.

Pontecorvo, noted for his cosmic ray work, also had done research in recent years with tritium, triple-weight hydrogen, which the committee described as a "substance intimately related to the hydrogen bomb."

Pontecorvo left the British atomic project and disappeared behind the Iron Curtain last September. There is no evidence, the committee said, that he betrayed atomic secrets before his flight.

The other top atomic spies listed by the committee were Dr.

Allan Nunn May, British-born scientist, and David Greenglass.

May was convicted in Britain following the postwar Canadian spy investigation and Greenglass—the only non-scientist among the four—was sentenced to 15 years' imprisonment last week for giving Russia a diagram of the Nagasaki model a-bomb.

The committee listed various couriers and Soviet agents, including three Americans: Harry Gold, Philadelphia biochemist serving 30 years for aiding Fuchs, and Julius and Ethel Rosenberg, sentenced to death in New York last week for their work with Greenglass.

The committee said Pontecorvo worked on the World War II atomic bomb project. In 1948, he moved to the British atomic project at Harwell, England. When he left he took with him his wife and three children. The committee said it must be assumed that all his knowledge is available to the Soviet Union.

The report described Pontecorvo as "not only a human storehouse of knowledge about the Anglo-American-Canadian atomic projects but also a first-rate scientific brain."

## "APOLOGIES IN ADVANCE"

The committee said there is an "extremely remote" chance "that some innocent explanation accounts for Pontecorvo's disappearance."

Conceivably he was kidnaped by the Soviets," the report said. "Conceivably he became insane and is hiding in western Europe. If an innocent explanation should develop subsequent to the appearance of this report, apologies are herewith tendered in advance."

The committee said one reason for the wartime security breaches is the fact that the FBI was excluded from the atomic project then. The McMahon act gave that agency security responsibility in 1947—a responsibility it still holds.

The committee said many consider Pontecorvo "an even abler scientist than Fuchs" and that he is working for Russia today.

# 4 Spies Scored For Giving Reds Lift on A-Bomb

WASHINGTON, April 9 (UP). — The House - Senate Atomic Energy Commission said today that four Red spies speeded Russian development of the A-bomb by at least 18 months and may have handed the USSR vital H-bomb secrets.

The committee issued a 196-page report in which it said:

"If war should come, Russia's ability to mount an atomic offensive against the West will be greatly increased by reason of these four men."

It said "the most damaging" spy work was that done by Dr. Klaus E. J. Fuchs.

## IN BRITISH PRISON.

Fuchs, a German-born British scientist who worked in the heart of the U.S. A-bomb project during the war, was convicted of espionage in 1950 and is serving a 14-year sentence in a British prison.

The committee said Fuchs "has influenced the safety of more people and accomplished greater damage than any other spy not only in the history of the United States but in the history of nations."

Fuchs in addition to keeping Russia fully informed about the wartime A-bomb project is believed also to have told his Red masters what he knew about H-bomb theory.

But the committee indicated that Italian-born Bruno Pontecorvo, the "second deadliest be-

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Journal - American  
APR 9 1951



## Saypol Predicts New Spy Arrests

More spy arrests involving persons connected with the Rosenbergs can be expected almost immediately, according to U. S. Attorney Irving H. Saypol.

The Federal Attorney, whose prosecution of the cases of Julius and Ethel Rosenberg ended in their sentences to death as atomic spies for Russia, said his staff had "sufficient information" to embark on a series of new prosecutions.

Saypol asserted that new evidence of espionage on behalf of Russia was uncovered in the course of the Rosenberg trial. He commented that the Rosenbergs had shown no inclination to cooperate with the government was taken to mean this evidence had not come from the Rosenbergs themselves.

### DISCLOSED ON AIR

The disclosures came when the Federal prosecutor appeared on a WOR radio program, "This Week on the Communist Front."

After the broadcast a WOR spokesman quoted Saypol as declaring the prosecutions would start soon and involve persons connected with the Rosenbergs.

The Federal prosecutor said he would enter "vigorous opposition" to any suggestion or motion that the sentences of the Rosenbergs be lightened unless it could be proved that the couple "could do something" or the government.

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*Journal American*  
APR 9 1951

## Spy Probers Digging Back To Late '20s

U. S. Attorney Saypol yesterday declared his investigators are digging back more than 20 years in an inquiry which may result in the arrest of additional espionage agents who worked for the same spy ring which employed Julius and Ethel Rosenberg, the two atom-bomb spies sentenced to death last week.

He refused to divulge any specific information concerning the new phase, but he did say some of the suspects "are not American citizens," and most "have been active in the Communist Party."

"We are investigating some espionage activity which occurred even before the war, back to the late 20s and early 30s," said Saypol, "and some as recently as 1948. The Rosenberg trial is only part of the picture."

He refused to state when the grand jury will begin hearing evidence or when arrests will be made.

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W. F. Norton

APR 10 1951

# **Spy Ring Probe Covers 20 Years**

Federal authorities are digging back more than 20 years in an attempt to find more espionage agents who worked for the same spy ring which employed A-bomb spies Julius and Ethel Rosenberg, United States Attorney Irving H. Saypol disclosed yesterday.

The prosecutor refused to give any specific information about the suspects but said most of them "are not American citizens" and have been "active in the Communist party."

"Activities dating back to the late 1920s and early 1930s are under investigation," he added. He refused to say when the grand jury will begin hearing evidence or when arrests will be made.

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FROM  
NY *B. J. Coughlin*  
DATED APR 10 1951  
FORWARDED BY N. Y. DIVISION

15-15341-A-25

F. B. I.

APR 12 1951

N. Y. C.

W. F. Norton



## Spy Bill Provides Peace-Time Death

### O'Connor Offers Measure, Agrees With Kaufman

WASHINGTON, April 9 (UP).—Sen. Herbert R. O'Connor, D., Md., introduced a bill today to make peace-time espionage liable to the same penalties—death or thirty years' imprisonment—that apply to spying in time of war.

The law authorizes the death penalty for betraying United States atomic secrets to a potential enemy in peace time, but the maximum punishment for other kinds of espionage in peace time is twenty years.

Federal Judge Irving R. Kaufman called attention to the situation last week when he sentenced Julius and Ethel Rosenberg to death for aiding a Russian atomic spy ring during World War II. He urged Congress to tighten the spy laws.

Sen. O'Connor in a speech agreed with Judge Kaufman that the twenty-year maximum for non-atomic spying in peace time is "manifestly inadequate."

He said the nation is engaged in a "cold war" which justifies the death penalty for those who would betray vital military secrets, such as guided-missile plans, which are not covered by the special atomic law.

Further revisions of the 1917 statute which covers general espionage cases would be made by Sen. O'Connor's bill. The Rosenbergs were sentenced under that law since their crime was committed before the atomic energy control act was passed in 1946.

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PROPERTY CLERK  
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Ronald Quinlan  
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F. B. I.  
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W. F. Norton

# U.S. Lays Net For Top Spy Ring: Saypol

A master espionage ring, under which the four spies sentenced last week had served, is currently being investigated by federal authorities, and a number of new suspects have been turned up, U. S. Attorney Irving H. Saypol disclosed yesterday.

While he would give no indication when arrests could be expected, the prosecutor said evidence is already being prepared for submission to the grand jury and, where necessary, corollary investigations are being pressed.

Saypol indicated that A-spies Julius and Ethel Rosenberg, who drew the death penalty, and Morton Sobell and David Greenglass, who got prison terms, were subordinate characters in a vast conspiracy.

Asked if the sweeping new spy probe stemmed from the recent A-trial, Saypol said:

"The Rosenberg trial is only part of the whole picture."

## Bringing Bits Together.

Other bits in the overall picture, he added, were Abraham Brothman, convicted of conspiracy to obstruct justice in a previous spy investigation, and William W. Remington, ex-Commerce Department aid, convicted of perjury in denying past Communist membership.

Among the new suspects, not previously linked to espionage, are individuals who "have been active in the Communist Party," the prosecutor said. He refused to divulge whether any top Reds have been implicated. He said that so far as he knows there are no government employees or officials involved. Some of those under suspicion, he added, are "not American citizens."

As evidence of the scope of the inquiry, Saypol said that espionage activities date back to the late



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Saypol

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FROM

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J.P. 12 1951



## DEATH-FOR-SPIES BILL INTRODUCED IN SENATE

WASHINGTON, April 9 (AP)—Senator Herbert R. O'Connor, Democrat of Maryland, introduced a bill today that would make it possible to impose the death sentence for peacetime spying in the United States.

He explained that he introduced the measure in response to the suggestion of Federal Judge Irving R. Kaufman of New York who last week sentenced two wartime atom spies to death. The pair sentenced are Mr. and Mrs. Julius Rosenberg, convicted of helping to transmit atom secrets to Russia in 1944 and 1945.

Senator O'Connor said Judge Kaufman noted "that had this crime been committed in time of peace, he would have been limited by the statute to the imposition of a maximum sentence of imprisonment for twenty years."

Senator O'Connor's amendment to the Espionage Act would permit the death penalty or a thirty-year prison term for espionage in peace or war.

In passing sentence on the Rosenbergs, Judge Kaufman had said he believed "it is time for Congress to re-examine the penal provisions of the espionage statute."

The Government is continuing its espionage investigation of a number of suspects connected with

the Rosenberg-Greenglass-Sobell Soviet atom spy ring, United States Attorney Irving H. Saypol declared in New York yesterday.

Meanwhile, Morton Sobell filed notice of appeal of his thirty-year sentence. Ethel and Julius Rosenberg are also appealing their death sentence. David Greenglass, Mrs. Rosenberg's brother, received a fifteen-year jail sentence. He pleaded guilty to the charge and testified for the Government.

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**CONVICTED A-SPY TRANSFERRED TO DEATH HOUSE**

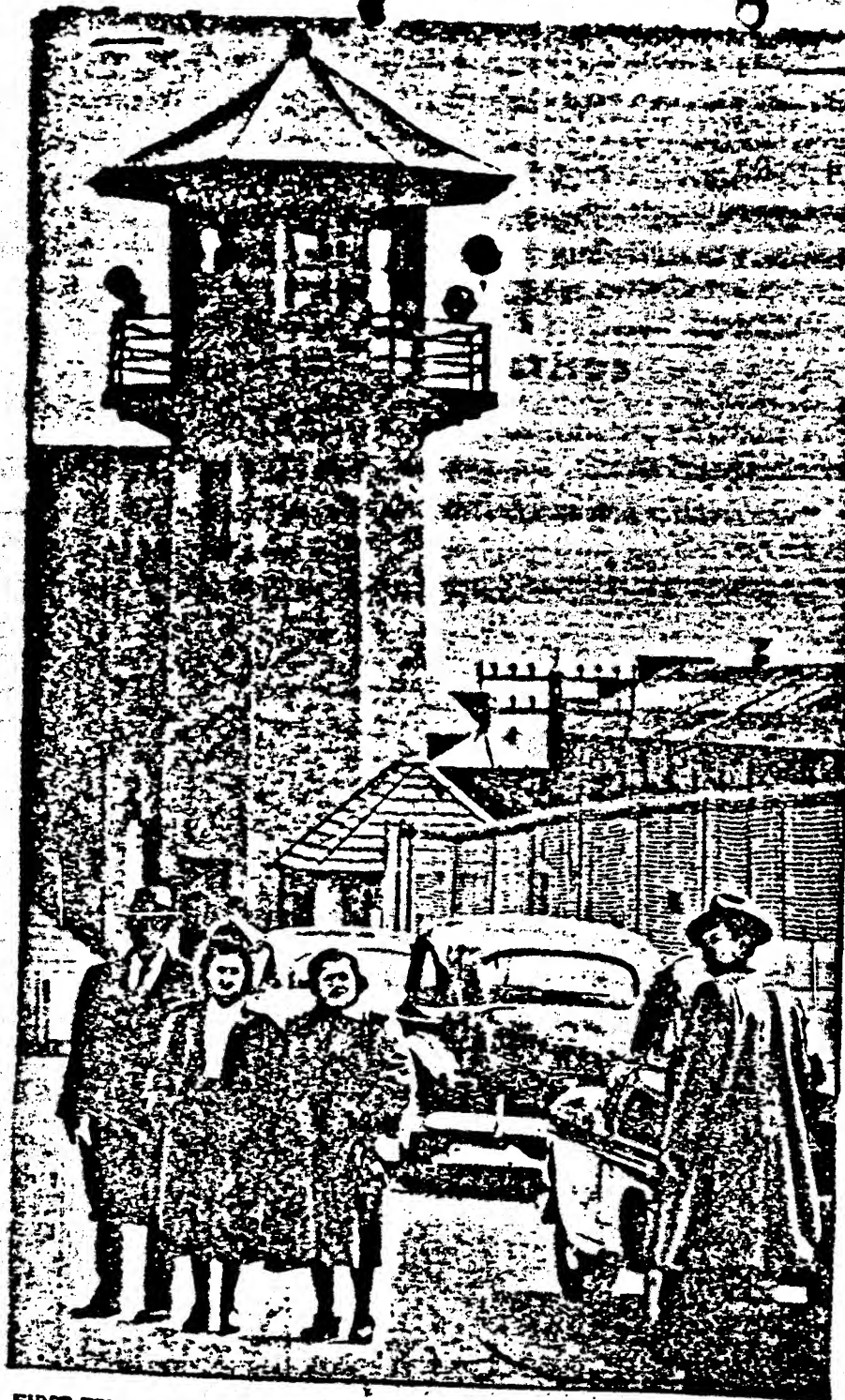


Mrs. Ethel Rosenberg (right), sentenced to die with her husband, Julius, as atom spy, smiles as she leaves Women's House of Detention for Sing Sing in custody of U. S. deputy marshal Mrs. Sarah Goldstein. Her husband remains in Manhattan's Federal House of Detention. Mrs. Rosenberg is first woman ever committed to Sing Sing by Federal government.

(Mirror Photo)

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**FIRST FEMALE PRISONER** ever committed to Sing Sing by U. S., Mrs. Ethel Rosenberg is shown in prison courtyard between Deputy U. S. Marshals Anthony Favone and Sarah Goldstein. Doomed to die for betraying atom-bomb secrets, Mrs. Rosenberg was moved to death house pending outcome of appeal. (Story & other photo on P. 5)

(NEW YORK TIMES PHOTO BY ART BARNES)

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Mrs. Julius Rosenberg as she left the Women's House of Detention in an automobile yesterday en route to Sing Sing.

Associated Press

Mrs. Julius Rosenberg, condemned to death for her part in giving secret atomic bomb information to Soviet Russia, was lodged last night in the women's section of the death house at Sing Sing prison, sole occupant of that section of the prison save for a matron hired for the occasion.

The women's sector, consisting of three cells, a corridor, and an exercise yard located within a ten-foot-high wall, had been vacant since the execution in March of Mrs. Martha Beck, "lonely hearts" murderer. Warden Wilfred Denno of Sing Sing rehired the four matrons who had attended Mrs. Beck, and they will keep Mrs. Rosenberg company, in relays, at a cost to the Federal Government of \$40 a day.

Mrs. Rosenberg's execution was scheduled for the week of May 21, but this will be postponed indefinitely by the notice of appeal served on the warden yesterday by her attorney, Emanuel Bloch.

Mrs. Rosenberg's husband, sentenced to die in the chair at the same time, remained in the Federal House of Detention. United States Marshal William A. Carroll explained that segregation facilities existed there, while none existed in the Women's House of

Detention, a county institution, in which Mrs. Rosenberg was kept until noon yesterday.

In a final statement as she was escorted to a car headed toward the death house, Mrs. Rosenberg called the transfer from one prison to the Sing Sing cell, while her appeal was pending, "unnecessary and vindictive." Mr. Bloch said he would seek to have it remedied in the courts.

Then, in a statement issued through Mr. Bloch, Mrs. Rosenberg attacked her brother, David Greenglass, who appeared as a witness for the prosecution at the recent trial, and who received only a fifteen-year sentence.

At Sing Sing, when Mrs. Rosenberg was filling out the usual questionnaire, and was asked what led her to commit her crime—a routine inquiry—she answered:

"I deny guilt."  
She was taken to the prison by Marshal Carroll, arriving at 1:50 P. M. She was ticketed as prisoner 110,510, gave up the \$15 she was carrying, and signed a waiver that permits her to receive mail in return for the privilege of inspecting it. On the trip she chatted gaily about the weather and the coming of spring. Marshal Carroll reported.

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## Mrs. Rosenberg Taken to Death House; Protests Separation From Children

Mrs. Ethel Rosenberg, sentenced to death with her husband, Julius, last week on espionage conspiracy charges, was taken yesterday, over protests, to the death house in Sing Sing Prison.

She and her attorney, Emanuel Bloch, pointed out that the filing of appeals had automatically stayed execution of the death sentences and said a court order would be sought against the removal to Sing Sing.

"This transfer to the death house is a matter of vindictiveness and represents cruel and inhuman punishment," said a statement issued in Mrs. Rosenberg's behalf by Bloch. "My husband and I are innocent and will always maintain our innocence. This prosecution is a political frame-up and we will fight to our last breath to prove this accusation is false."

Mrs. Rosenberg, who appeared wan and drawn, said bitterly:

"My main concern at the present is to see my two boys (Michael, 8, and Robert, 4). Arrangements were under way to permit my children to

visit me and the authorities are trying to make it impossible to permit a mother to comfort her children and in turn to permit a mother to be comforted by her children."

The youngsters, whom their 35-year-old mother has not seen since her arrest last August, are in a Bronx children's shelter.

Mrs. Rosenberg's prepared statement referred acidly to her brother, David Greenglass, whose testimony helped convict her and who has been let off with a 15-year sentence. She noted that the Atomic Energy Commission, since the convictions, has listed Greenglass as "one of the top four spies."

"My husband and I, who were built up as top spies during the trial, are now confined to the role of subordinates, or couriers," she said.

Mrs. Rosenberg was transferred from the House of Detention by U. S. Marshal Carroll and two deputies, one a woman. Carroll reported later that the prisoner seemed "in good spirits" during the trip to Sing Sing.

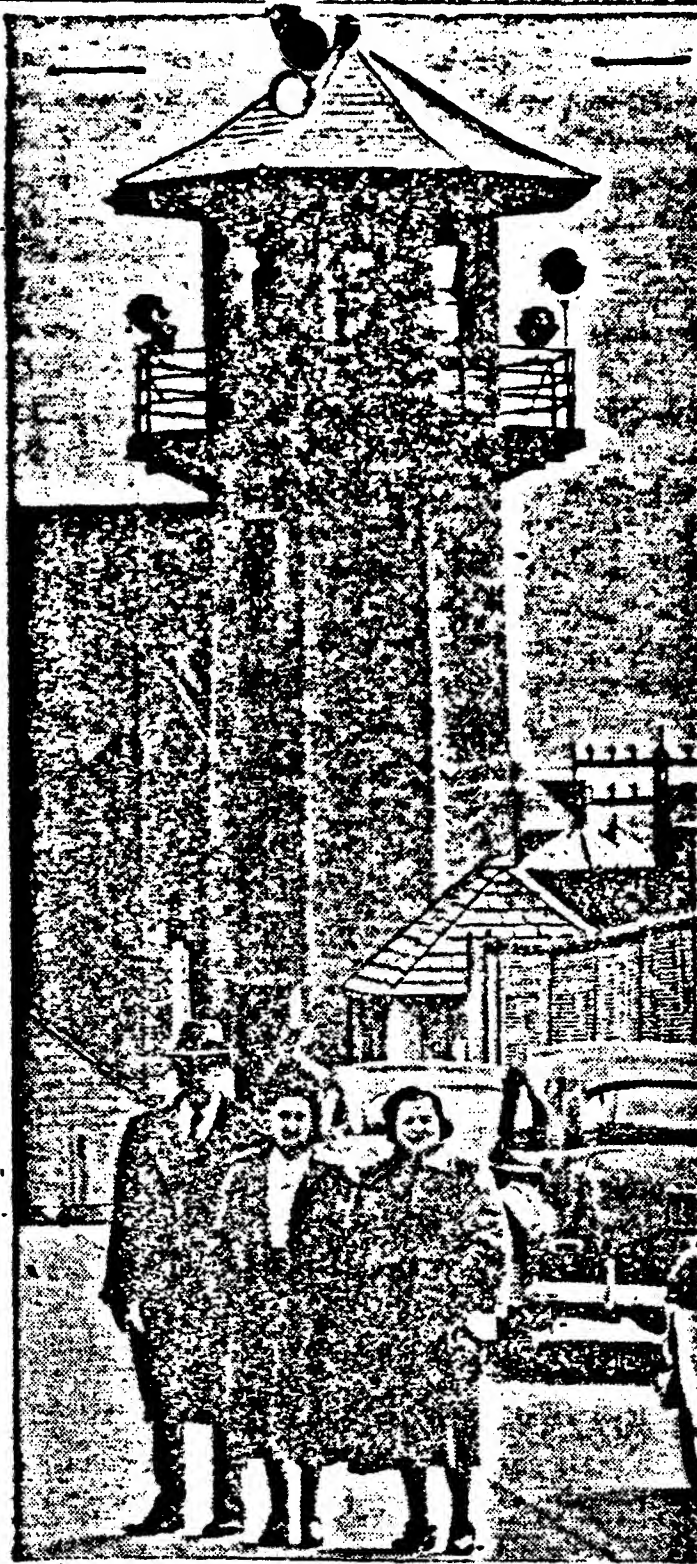
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**SPY IMPRISONED** . . . Mrs. ETHEL ROSENBERG, guarded by a matron and a deputy marshal, arrives at Sing Sing. She and her husband Julius are under death sentence for peddling A-bomb secrets to Russia.

International News Photo

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*Journal American*

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## Mrs. Rosenberg Has 4 Sing Sing Matrons

Special to World-Telegram and Sun.

SING SING, April 12.—The women's section of the prison death house has a new occupant—Mrs. Julius Rosenberg, 35, convicted atom spy.

Mrs. Rosenberg, sentenced to die May 31, was transferred yesterday from the House of Detention for Women, 10 Greenwich Ave.

Her execution will be postponed indefinitely by a notice of appeal, served by Emanuel Bloch, her attorney, on Warden Willfred Denno.

Mrs. Rosenberg's wait for death promises to be a costly matter for the government, since four matrons had to be hired to guard her, at a total cost of \$40 a day.

The doomed atom spy called her transfer to Sing Sing "unnecessary and vindictive." She told prison officials, "I deny guilt." U.S. Marshal William A. Carro said she chatted gaily about the spring weather during the uprive drive.

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(By Associated Press)  
**Off With a Smile.** Mrs. Ethel Rosenberg smiles and waves as she leaves Women's House of Detention in Manhattan for Sing Sing. Story page 8

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65-15348-A-268
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# Death House Gets Mrs. Rosenberg

By GENE SPAGNOLI

Still protesting that she and her husband were innocent of atom-spying, Mrs. Ethel Rosenberg denounced her brother, David Greenglass, yesterday as she was transferred by automobile from the Women's House of Detention to the Sing Sing death house.

Sentenced last week with her spouse, Julius, to die in the electric chair for passing A-secrets to Russia, Mrs. Rosenberg described her transfer as "unnecessary and vindictive." Her attorney, Emanuel Bloch, said he would contest the transfer in the courts.

## Lawyer Cites Appeal.

Bloch said the statute authorizing the U. S. marshal to use state facilities for execution is automatically stayed with an appeal. He pointed out that he had filed an appeal for the Rosenbergs after they were sentenced by Judge Irving Kaufman.

To keep Mrs. Rosenberg in the

death house until the appeal is finally acted upon, he declared, "will be cruel and terrible punishment." The attorney also released a statement by Mrs. Rosenberg, which said in part:

"My husband and I are innocent. This prosecution is a political frameup and we will fight to the last breath to prove this accusation false."

## "Made Good His Boast."

"Mrs. Ruth Greenglass was permitted to remain free and my brother David has made good his boast that he would never serve more than five years. Moreover, the perjury of my brother was revealed when U. S. Attorney

(Irving) Saypol stated at his sentencing that my brother asserted his innocence at the time of his arraignment.

"They (the Greenglasses) used this trick to make us scapegoats



(NEWS photo by Ossie LeVineas)  
Mrs. Ethel Rosenberg, escorted by Deputy U. S. Marshal Thomas Farley, as she arrived at Sing Sing yesterday.

and to save their miserable skins," Mrs. Rosenberg said.

She said her main concern was "to see my two boys," now under the care of social workers. "Now the authorities are trying to make it impossible for a mother to comfort her children, and for a mother to be comforted by her children."

When informed of his wife's removal to Sing Sing, Rosenberg—who is in the Federal House of Detention—said that if Bloch's move to void the transfer fails, "I want to be moved to Sing Sing to be with her."

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## ROSENBERGS MIGHT VISIT

Sing Sing Goes Back 75 Years  
for Precedent to Cover Spies

Special to THE NEW YORK TIMES

OSSINING, N. Y., April 15—N Julius Rosenberg, condemned to death along with his wife, Ethel, for giving secret atom bomb information to Soviet Russia, follows his wife to the Sing Sing Prison death house, they occasionally will be allowed to visit each other, separated by screens, in accordance with a prison rule not invoked for seventy-five years, prison officials said today.

Precedence for visits between jailed husbands and wives dates prior to 1877, when the prison also housed women prisoners. In 1875 Sophie Lyons, a confidence woman, and her husband, Ned, a burglar, were both serving time at the prison and were permitted screened visits until they escaped one day. Sophie later reformed, became wealthy selling real estate in Detroit and wrote a book, "Why Crime Does Not Pay," according to prison attachés.

Mrs. Rosenberg was taken to the women's section of the death house last Wednesday. Her husband remained in the Federal House of Detention, New York City.

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Klaus Fuchs (above), the British scientist-turned-spy, described in the Congressional report as the most dangerous man in history, and Steve Nelson (right), said to have master-minded spy work at the University of California.



David Greenglass (above) and his wife (left), who tipped him off that he was working on the atomic bomb. American operatives in the Russian Consulate here kept her informed.



Dr. Bruce Pontecorvo, who the Congressional report says, gratified his ego as an entrepreneur who tried to tell jobs and tried to be flexible.

all Soviet agents take to shun any appearance of disloyalty. The Joint Committee denounced Fuchs as the most dangerous man in history, one who endangered more people than any other man by betraying the atomic secrets of the democracies. Yet, according to the report, "Fuchs found a kind of moral security in holding a theoretic view which repudiated all evidences of emotion conflicting with it."

**'Aesthetic Theoretic.'**

And, when he left the United States to become Chief of Theo-

retical Physics at Harwell, Britain's chief atomic-research laboratory, a co-worker in the Harwell station magazine hit on this side of Fuchs' character:

**"Fuchs**  
**'Looks**  
**'An excellent**  
**'Theoretic.'**

From which the Congressional committee drew a moral: In espionage work personnel security is of primary importance; physical barriers and documents control are secondary.

The Russians got their foreign agents cheap.

Dr. Nunn was made to take \$500. Greenglass cashed in on a total of \$850 for transmitting secret data, although shortly before his arrest he was given \$5000 along with instructions to flee to Russia via Mexico. Fuchs accepted pin money here for expenses, the largest sum being \$400.

**Symbol of Subservience.**

Back in England, the report continued:

"At the peak of his career, Dr. Fuchs examined his course and decided that there was a possibility of a doubt creeping into

his faith in communism: the sin of pride before the party in the Communist book of rules and regulations.

"As a pledge of his subservience, Fuchs accepted a few hundred pounds payment from the Soviet agent. There had never been a road back for Fuchs; this was his way of demonstrating that he did not want one."

**'Standard Technique.'**

"It was the standard Russian technique," concluded the committee, "to force taken cash amounts upon espionage agents for purposes of further corrupt-

ing them, helping to assure that they could be blackmailed as to their complete subservience to the Soviet Union."

Part of the report deals with espionage attempts in the radiation laboratory of the University of California at Berkeley, which was developing the bomb. They were masterminded, said the report, by Steve Nelson, Communist party organizer, who set up a party cell in the laboratory consisting of half-a-dozen young physicists.

Nelson, under the name of Joseph Fischelberg, came to the

United States in 1939 from Yugoslavia. Two years later, immigration inspectors discovered he had entered illegally. Despite this, at a hearing after his arrest, the government recommended that Nelson and his mother and two sisters be afforded a haven here, predicting that the family would become substantial citizens. Their entry was legalized and Nelson was admitted to citizenship in 1939.

**Declined to Reply.**

The report recounted Nelson's activities as a Communist espionage agent. At a Washington hearing he declined, on the grounds of possible self-incrimination, to answer questions about them.

The government, nevertheless, has thus far been unable to spell out a case for prosecution.

New Western Pennsylvania Communist party organizer, Nelson is currently standing trial in Pittsburgh on a sedition charge. On April 8 the party flew him to New York to be feted by the Veterans of the Abraham Lincoln Brigade and the Civil Rights Congress.

As he entered Pontecorvo Hall at 13 Astor Pl., according to last Tuesday's Daily Worker, "a fighting audience of 700" hailed Nelson for "his top-notch record as a worker for democracy."

# Commission Report Tells How Commies Corrupted 4 Too-Bright Individuals

By FREDERICK WOLTMAN,  
Staff Writer.

Money was a negligible factor—if any at all—to the key spies who stole the bomb secrets of the American-British-Canadian atomic projects for the Soviet Union.

Their motivation went far deeper—to a state of mind conditioned in their formative years by an atmosphere of conspiracy which surrounds anyone "pulled into a Communist apparatus."

This was the conclusion of the Joint Congressional Committee on Atomic Energy in its 222-page report, "Soviet Atomic Espionage," made public this week. The committee sought to analyze what makes a non-Russian Soviet agent tick.

## Caught Them Young.

"As a secret participant of Communist activities," said the report, each of the principals in his youth "had been gradually brought to a state of mind where the dictates of honor, duty, loyalty and integrity could be overcome." And the Red apparatus, in which they became enmeshed, "systematically destroyed their sense of moral values and substituted the facile capacity for rationalization found in the code of totalitarian dictatorship."

"Ego gratification" was a powerful element, as it is with all adherents of the totalitarian code.

Dr. Alan May Nunn, the British scientist serving 10 years, was described as "a bald, mousey little man." Klaus Fuchs, the German-born British scientist, imprisoned for 14 years, was "slight, shy, retiring, and very studious." Both were bachelors with "few friends and scant interests outside science and communism."

## Tried to Be Liked.

Dr. Bruno Pontecorvo, the Italian-born British "human storehouse" of nuclear knowledge who fled behind the Iron Curtain last October, gratified his ego as an

extrovert who liked to tell jokes and tried to be likeable.

David Greenglass, the Army technical sergeant with a yen for mechanics (now serving 15 years) was sized up thus:

"He smiled while testifying about the atomic bomb before a crowded courtroom in New York and he seemed to enjoy discussing his own insight into weapons data which others present regarded as mysterious and lying at the heart of American security."

## Worked on 'Gadget.'

Incidentally, Greenglass, who joined the Young Communist League at 16, worked on what the report calls "the actual gadget itself." But he didn't know what it was until told by his wife. She learned from American operatives, employed by the Russian Consulate in New York, who were set upon recruiting Greenglass into the espionage network.

All four spies, in their education, reflect an unusual lack of contact with the liberal arts, said the report. And, as a partial explanation for their warped mentalities, it cited "an almost diseased yearning to remold the world after the image of their own work in physical science."

## 'Childlike Arrogance.'

Above everything else, the report concluded, "an overweening and childlike arrogance—all induced by exposure to Communist recruiting techniques during early manhood—characterizes the atomic spy."

Fuchs and Pontecorvo showed scrupulous regard for security regulations and avoided discussing politics, although not to the point of being conspicuous. Greenglass testified to the precautions



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# An A-Spy's Intality- -Shyness and Arrogance

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FROM *Wired Telegram & Sun*  
APR 14 1951  
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can get any number of jobs to support their families. Producers, directors, and Govt agencies have only refused to hire (or have fired) some people who are unacceptable to the public which buys their product or who are dangerous to the security of the country.

LAMPILL called for a "common front" of all working people, said that actors should not stand alone, but should unite with others like "the Electrical Workers", who had been blacklisted for several years.

This was a reference to CP-led United Electrical, Radio and Machine Workers Union which was expelled from C I O last year and has been refused recognition in U S Atomic energy plants for security reasons.

JOHN RANDOLPH, a really rousing speaker, urged all attending to fight the "blacklist" vigorously. The advertising industry, he said, should stand its ground and not give in to pressure.

He praised LOUIS UNTERMEYER for standing firm and called for a letter-writing campaign to "Stopette" (deodorant) and JOSEPH REAM, V-Pres of CBS, demanding UNTERMEYER'S reinstatement on the "What's My Line" TV show.

He rapped movie actor JOHN GARFIELD for weakening. "He had tried to talk to GARFIELD, but GARFIELD said that no one would fight with him, that it was like beating your head against a stone wall and he was tired of it.

"I'll fight with you, Julie", RANDOLPH said he replied...and then he stated that dancer SONO OSATO and theatrical producer-director MARGARET WEBSTER had also tried to talk to GARFIELD, with no results.

RANDOLPH also ripped into JEAN MUIR. She, too, had taken the wrong stand, had tried to deny some of her affiliations and excuse others. But she had invited him to speak at a meeting for the Hollywood Ten in her apartment. He spoke there. He knew where she stood, and he wanted the opportunity to testify about it in court.

RANDOLPH supported the American Peace Mobilization during the Stalin-Hitler pact. Last year he marched in CP's May Day Parade in NYCity.

A few weeks ago he was listed as a speaker at a rally in defense of Dr. E B DU BOIS, indicted leader of the Peace Information Center. Other speakers at this meeting were Prof EDWIN BERRY BURGMAN of NY University, a lecturer at CP's Jefferson School; CEDRIC BELFRAGE, editor of the National Guardian, voice of CP-controlled "Progressive" Party; LOUIS BURNHAM, editor of the new Communist Negro monthly, "Freedom".

RANDOLPH also spoke, and attacked "RED CHANNELS", at an NCASP meeting held last Sept to honor Communist HOWARD FAST (on his release from prison) and ADRIAN SCOTT, one of the Hollywood Ten who was then about to go to prison (the numbers of SCOTT'S CP cards, photostats of which were produced in 1947 Hollywood Investigation, were 47200, 46832 and 35394).

"Courage, we are on the winning side. Prison can't hurt us", was the message FAST delivered at this meeting.

Again last November, RANDOLPH spoke at another NCASP "pre-election" rally for CP-backed candidates of the American Labor (Progressive) Party.

And within the last month or two, RANDOLPH has been on several radio and TV programs. Why does he complain about a blacklist?

Yours faithfully,

April 13, 1951

# Counterattack

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possible to give in newsletter. And the report contains factual information on the following fronts and individuals involved in the "peace" hoax that have been exposed by COUNTERATTACK during the past few years:

Fronts: Committee for Peaceful Alternatives; Mid-Century Conference for Peace; Ass'n of Internes and Medical Students; Nat'l Labor Conference for Peace; Waldorf Peace Conference; Peace Information Center; Stockholm Peace Appeal; Labor Youth League; American Peace Crusade; Nat'l Council of Arts, Sciences and Professions; American Women for Peace; Veterans for Peace.

Individuals: Prof PHILIP MORRISON of Cornell; Prof LINUS PAULING of the Calif Institute of Technology; JOHANNES STEEL, ex-radio commentator who is now a columnist for the daily "Compass"; LEON WOPSY, leader of the Labor Youth League; ABBOT SIMON, the U S strategist for CP's Stockholm Peace Appeal Drive; W E B DU BOIS and ELIZABETH MOQS of the Peace Information Center; MARCEL SCHERER of the Nat'l Labor Conference for Peace.

A "PEACE" PARTISAN LOSES HIS JOB. The Rev Dr WILLARD UPHAUS of Chicago has been ousted as the exec-sec'y of the Nat'l Religion and Labor Foundation (New Haven, Conn), which was formed to create better understanding between religion and labor, to resist totalitarianism of all kinds and to promote civil liberties and economic justice.

Rev UPHAUS attended Stalin's Second World Peace Congress without the approval of the Foundation (his expenses were paid by a CP front), attacked the U S at the Congress and then went to Moscow as a guest of the Soviet delegation. Since his return to U S he has been active in Communist front "peace" meetings.

TRACK THE BACK OF COUNTERATTACK. This was the name of a rally (see enclosed reproduction of broadside announcement) recently held in NYCity under auspices of Nat'l Council of Arts, Sciences and Professions (NCASP), the CP's principal "cultural" front.

Speakers at rally were: DAVE BLOCK (not "BLACK" as in the enclosed announcement), former art director of Lawrence Studios (COUNTERATTACK, Nov 24, 1960, pp 1-2); ISIDORE RUBIN, one of eight teachers recently ousted from NYCity school system for refusing to state whether or not he was a CP member; WILLARD LAMPFELL, novelist, radio and TV writer; JOHN RANDOLPH, radio and stage actor; Canadian JACK GILFORD (COUNTERATTACK, Mar 23, 1951, p 4) was also scheduled to speak but a painful immunization shot (mumps) kept him away.

BLOCK said that COUNTERATTACK was in the smear business for profit. RUBIN claimed that the influence of COUNTERATTACK was felt even in the NYCity school system, that witch-hunting and thought control practices in the U S today were analogous to the situation in Germany under Hitler.

WILLARD LAMPFELL, who has written for Daily Worker and other Communist publications, said the "blacklist" in Hollywood was complete, conditions in radio were very bad, but there were still opportunities in TV.

The fight against the "blacklist" should not be waged on "constitutional" grounds, LAMPFELL stated, but on the basis of a man's "right" to work and to support his family.

LAMPFELL was trying to confuse issues. The courts have decided that no one has a "right" to a certain type position (teacher, etc) or to be employed by the govt or a particular firm or individual. LAMPFELL knew, therefore, that the fight could not be conducted on "constitutional" grounds.

So he switched the "line" to an emotional, smokescreen appeal for a man's right to feed his wife and children.

BUT STALIN KNEW HE WAS PAYING OFF OTHERS. The day after Judge KAUFMAN gave his decision, the Presidium of the Supreme Soviet, as agent for Stalin, rewarded seven "peace" partisans for their great contribution to Moscow's cause. The rewards were stipends of 100,000 rubles (\$25,000) and gold medals bearing Stalin's image.

Moscow's propagandists said that these awards were for "outstanding services in the struggle to consolidate peace". This means that recipients of the awards have given yeoman service to Stalin's plot to sabotage the free world by doing all they could to prevent the build-up of military strength needed to stop Communist aggression, or the use of that strength after it has been acquired... that they have actually helped pave the way for Soviet world conquest.

Those rewarded by Stalin were: Communist Prof FREDERIC JOLIO-Curie, recently busted head of the French Atomic Energy Commission; the Communist Dr HEWLETT JOHNSON, "Red" Dean of Canterbury; Mme EUGENIE COTTON, the French leader of Stalin's international women's front, the Women's Int'l Democratic Federation; Mme SUN YAT SEN, an official of the Communist govt of China which is murdering thousands of her countrymen (this woman who has lately been making violently anti-American speeches was for years praised by the "best" U S papers as a great "liberal" and humanitarian... even though she was then the leading fellow traveler in China); PAK DEN-AL, Pres of the (Communist) Democratic Women's Union of (North) Korea; Gen HERIBERTO JARA, former Mexican Navy Minister and Ambassador to U S, and Rt Rev ARTHUR W MOULTON, retired Protestant Episcopal Bishop of Utah.

Bishop MOULTON, the only American to receive Stalin's new award, has aided every major move of Communist "peace" offensive in U S... and most of the Cominform's int'l "peace" activities. Here is part of his record: Waldorf Peace Conference (1949), panel chrmn; World Peace Congress (Paris, April 1949), sponsor; Permanent Committee of World Congress for Peace, one of eight U S members; American Continental Congress for Peace (Mexico City, Sept 1949), sponsor; Second World Peace Congress (Warsaw, Poland, Nov 1950), member U S sponsoring committee; Stockholm Peace Appeal, signer; Mid-Century Conference for Peace (Chicago, May 1950), staged by the (Nat'l) Committee for Peaceful Alternatives (to the North Atlantic Pact), sponsor; American Peace Crusade, initial sponsor and signer of call to its recent Peace Pilgrimage to Washington; World Peace Council, member (this Council was formed at the Second World Peace Congress in Warsaw; there are strong indications that, if Stalin pulls U S S R and its satellites out of the U N, the council will be built up as an anti-U N, Moscow-dominated world govt body).

"It is gratifying to be cited as working for peace", Bishop MOULTON said when notified of the "honor" bestowed on him by Stalin. He then added that he could not accept the money proffered by Moscow, that the only reward he wanted for his efforts was "peace".

"REPORT ON THE COMMUNIST 'PEACE' OFFENSIVE", Issued by House Committee on Un-American Activities last week, is a well-rounded study of the phony "peace" propaganda campaign that has been devised by Moscow as a smokescreen to conceal Stalin's aggressive actions.

COUNTERATTACK subscribers are already familiar with the names and activities of the fronts and many individuals which are cited in the report as having played vital roles in the Communist peace offensive.

But you should still write for... and study... this report. It gives a clearer picture of the magnitude of Moscow's propaganda effort than it is



# COUNTERATTACK

Reg. U. S. Pat. Off.

## FACTS TO COMBAT COMMUNISM

25 WEST 42ND STREET, NEW YORK 18, N. Y. AD-68486 2-4888

Letter No. 203

April 13, 1951

Dear Subscriber:

"YOUR CRIME IS WORSE THAN MURDER", said Federal Judge IRVING R KAUFMAN when he sentenced JULIUS and ETHEL ROSENBERG to death last week for betraying their country by giving Stalin the secret of the atom bomb.

Judge KAUFMAN said he had searched his conscience to find some reason for mercy, that he had deliberated for hours, days and nights, that "every nerve, every fibre of my body has been taxed" but he could find no reason for leniency unless he betrayed the solemn and sacred trust placed in his hands by the people of the U S.

But did the people of the U S fully understand the implication of this trial, and the reason for the extreme penalty imposed by Judge KAUFMAN on the defendants? Judge KAUFMAN implied that they didn't.

"It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system. I believe that never at any time in our history were we ever confronted to the same degree that we are today with such a challenge to our very existence."

And that afternoon, while civil defense officials were pleading, with poor results, for more people to help prevent needless slaughter and chaos in case Stalin dropped the ROSENBERGS' "gift" on the U S, while the Red Cross was calling for more blood for wounded Americans in Korea, ETHEL ROSENBERG sang "Doe Fine Day" and "Good Night, Irene" in her prison cell, and her husband vocalized "The Battle Hymn of the Republic" in his.

Two days later, in his Saturday sermon at Temple Israel (NY City), Rabbi W F ROSENBLUM praised Judge KAUFMAN's decision, and said:

"However, equally guilty with these atomic spies, though they are rarely brought before the courts, are the men in our arts, science and even the clergy, who are constantly making appeals for appeasement of those foreign nations which any schoolboy knows are just waiting for a propitious moment to unleash their weapons against us."

And during these same few days, some members of our "arts, science and even the clergy" who had aided the CP's appeasement fronts were protesting their innocence, saying that they didn't know, that they were moved by idealistic desires for "peace" etc. Others of their kind were still giving their complete support to the party's appeasement campaign.

61s died in Korea. Cocktails were served in Washington. An open Communist Party (CP) official, running for public office in Los Angeles, got 40,000 votes. Former Gov W E THOMPSON of Georgia quit as consultant (\$53.48 per day) for Office of Price Stabilization because for 12 weeks he had been given nothing to do. Russia and its satellites had 10,000,000 men under arms.

Millions of Americans were doing nothing to combat the Communist Party, its fronts and its thousands of fellow travelers in the U S.

They still didn't know what Judge KAUFMAN was talking about.

what important art studio  
was put out of business  
within one week after it was

# BLACKLISTED

by "Counterattack"?

what well known art director  
was recently

# BLACKLISTED

by "Counterattack"?

how have people in radio, theater,  
television, music and literature met  
the threat of being

# BLACKLISTED

by "Counterattack" and "Red Channels"?

to hear the answers and spread the fight  
you are called to a meeting to

## CRACK THE BACK OF COUNTERATTACK

Date: Wednesday, April 4th Time: 8 P.M.  
Place: Hotel Button, 330 East 56th St. N. Y.

Speakers will include:

Dave Black, Art Director, "How it feels to be smeared"  
Jack Gilford, Comedian, "No time for comedy"  
Isidore Rubin, Teacher, "Blacklist in the Schools"  
John Randolph, Actor, "The fight in Theatre"  
and

# Saypol Sees McGrath on Spy Sentences

U. S. Attorney Saypol, it was learned, conferred in Washington today with Attorney General McGrath on the recommendations he will make tomorrow for punishment of the three convicted A-bomb spies and David Greenglass, who confessed his guilt and testified against them.

Julius Rosenberg, 33, an electrical engineer at 10 Monroe St.; his wife, Mrs. Ethel Rosenberg, 35; and Morton Sobell, an electronics expert, go before Federal Judge Irving R. Kaufman at 10:30 a.m. for sentence. Greenglass, Mrs. Rosenberg's brother, will be sentenced by Judge Kaufman at a separate and later proceeding.

## Decision Up to Judge

As Judge Kaufman pointed out frequently during the trial of the three defendants for wartime espionage conspiracy on behalf of Soviet Russia, it is for him alone to decide whether the penalty shall be imprisonment for 30 years or death.

Since the case ended last Thursday, it was learned, the judge has received a deluge of letters from persons in all parts of the country, and about 99 per cent of the writers have urged him to sentence all three defendants to death.

As is customary in federal courts, Saypol will be asked if he has any recommendations, but the judge is not bound to accept them.

At the Federal Court House, it was freely though unofficially predicted that he would ask the electric chair for at least Rosenberg, who was pictured in the trial as one of the principals in the Russian spy ring directed by Anatoli A. Yakovlev, former Soviet Vice-Consul here.

## Gold Got 30 Years

It was also pointed out that Harry Gold, the spy ring courier, who pleaded guilty and has testified for the government in two espionage trials, is under sentence of 30 years, and that the three who denied their guilt and stood trial can scarcely expect lighter sentences.

The government was expected to recommend less severe punishment for Greenglass than for the other three, since he helped the government and testified against them.

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ASAC 1  
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SEC. 1  
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SEC. 12

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APR 24 1951  
N. Y.  
TO

TITLE

CLASS

Post & Home News  
APR 4, 1951

DIVISION



## A Tragedy of Treason:

# Mother of Atom Spies Sobs Alone in Despair

By MARJORIE FARNSWORTH.

The words of doom that Mrs. Tessie Greenglass, 69, didn't want to hear were spoken to her as gently as possible today through the pine paneling of her kitchen door at 84 Sheriff st.

They bore the tidings that her daughter, Ethel Greenglass Rosenberg, 35, had been sentenced to death as a member of the atom spy ring.

There was a pause, then:

"The sentence is not well," Mrs. Greenglass said. "I expected any sentence but that."

### WILL SEE THEM ALL

A reporter asked if Mrs. Greenglass hadn't had the radio on.

"No," she said. "I didn't have it on. I didn't want to hear it."

"Are you going to see your daughter?" she was asked.

"Of course I am, I'm going to see Ethel, I'm going to see all of them."

By "all" the mother meant

Ethel's husband, Julius, also sentenced to die, and her son, David Greenglass, 39, former Army sergeant, confessed spy and Government witness, who is scheduled to be sentenced tomorrow.

The sound of hysterical sobbing came through the closed door then as the mother gave way to the depths of despair.

### REFUSES ALL HELP.

"Can we help you?" a reporter asked.

"I don't want any help," the mother said between sobs. "I don't want anybody with me. Go away."

Neighbor women came down the stairs and knocked on the door.

"Mrs. Greenglass," they said, "let us in. We want to help you."

"Can we get you a doctor?"

"I don't want to see anybody. Please go away," the mother said.

That was all. Only the sound of weeping came. Reporters looked at each other and gestured in futility. The neighbors just stood around with bowed heads.

### AVOIDED COURTROOM.

Earlier, as she stirred her morning coffee, Mrs. Greenglass announced her determination not to go to Federal Court to hear her children sentenced.

"What difference does it make?" she asked. "I'm staying right here. You leave me alone."

It was not indifference. The Polish immigrant mother had made her last try in behalf of her loved ones yesterday when she obtained a brief audience with Judge Kaufman. She left the courthouse crying.

During the hours of waiting Mrs. Greenglass left the kitchen door open doing her housework. Wearing a crisp pink housedress she swept a floor that was already immaculately clean; dusted imaginary specks off chairs and tables; scoured pots already gleaming.

### WORKED LIKE ROBOT.

It was all mechanical, the robot motions of a mother anguished to the roots. It was all Mrs. Greenglass knew to do. She wanted to take her mind away but her eye told a different story.

That's how a mother spent the worst hours a mother can possibly spend when the lives of her children are in jeopardy.

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TO

# Rosenberg and Wife Sentenced to Chair

Continued from Page 10.

"When everybody felt that they were dealing with a hostile nation."

Legal observers in the courtroom pointed out that the importance of the trial cannot be minimized.

The findings disclosed in substantiating detail the Red cancer in the American body politic—a cancer which the Government is now forced to deliberate in self defense.

The sentences, at the same time, indicate the manner which even enemy hands can be expected to use in that operation.

Both sentences are of world-wide significance—confirming the nation to a continuing prosecution and penalizing of traitors in the same relentless manner employed by the Russians.

A crowd was on hand for today's momentous proceedings long before the courtroom was opened.

Sobell was first to arrive at the Federal Building. Handcuffed to a marshal, he was taken through a rear entrance at 9:15 a. m. in a black limousine. More than two dozen newspaper, news and television photographers were on hand.

## CHATS ABOUT HAYS

Five minutes later Mrs. Rosenberg, in a car with a Negro prisoner, drove up in the company of Mrs. Lilian McLaughlin, a deputy U. S. Marshal. The defendant was smiling and neatly dressed in a gray coat, blue hat and blue shoes.

Mrs. McLaughlin said that Mrs. Rosenberg, on the way



MORTON SOBELL

from the Women's House of Detention in Greenwich Village, chatted "about the weather and home."

Observations impassive and also handcuffed was brought in a car to the building at 10 a. m. and Rosenberg arrived in a taxi at 10:24.

The latter, nervous and grimacing with embarrassment, was handcuffed to a Negro prisoner who hid his face from photographers. His arrival was only 15 minutes before his scheduled sentence.

## BEGAN MARCH 5

The sentence ended a trial which began March 5 with selection of a jury of 11 men and one woman who returned their verdict exactly a week ago today after actually deliberating seven and a half hours.

The jurors reported at the time that one of their number had been unable to agree on the guilt of one defendant—presumably Sobell.

Much of the drama of the trial was lost in the public's accompanying the hearings of the McLaughlin Crime Committee.

The trial was one of the most dramatic in the history of America.

In a way it was more important than that of Alvin Karpis, William W. Barker, or even that of the 11 Communist leaders last year.

## BROTHER VS. SISTER

The drama came from the circumstance of a brother, an admitted spy, testifying as a law Government witness against his sister and her husband.

The importance came from the fact that unlike the former Government employees, Hiss and Rosenberg, the secrets stolen by them, sentenced today were not those classified documents from the War Production Board or the State Department.

They were, indeed, the basic secrets of the atom bomb.

Incredible as it may seem, the prosecution proved that this group of ordinary looking citizens, living in such places as Knickerbocker Village and the lower East Side, succeeded in stealing the nation's most important weapon.

That secret they gave to Soviet Russia, enemy of our freedom, and as a result the Russians today are producing A-bombs of their own.

The acts of treachery by the three sentenced today, according to the Government, cost this nation at least five years in its armament advantage.



**GIVEN DEATH**... Federal Judge IRVING R. KAUFMAN, who today sentenced to death convicted spies Julius Rosenberg and his wife, Ethel, Judge Kaufman also sentenced the Rosenbergs' co-defendant, Morton Sobell, to 30 years in prison for his part in delivering atomic secrets to an international Soviet spy ring.

with secret material stolen from the Service Instrument Co., where he worked during the war.

The other two defendants, the Rosenbergs, however, acted as espionage agents for atomic bomb data stolen by David Greenglass in New Mexico.

Attorneys for all three defendants announced they would appeal.

It was evident almost from the opening of the court session at 10:31 a. m. that a major event of American jurisprudence was in the making.

#### STAND IN BATTLE

Speeches of both defense and prosecution showed clearly that they anticipated something like the sentences meted out.

In the hushed courtroom in the Federal Building in Foley as were jammed nearly 800 spectators. Another 75 stood outside in the hall.

The session began with a series of defense motions to dismiss the entire proceedings on technical grounds, motions which Kaufman promptly denied.

At 11:06 a. m. the Rosenbergs were called to the bench.

The couple rose and flanked by male deputy marshals with two women deputies behind them walked to the corner of the bench at the judge's robe.

#### SILENT AND GRIM

They stood silent and grim for a few moments while defense counsel held a conference at the bench. While this was in progress, Kaufman turned to say:

"The defendants may sit down."

The Rosenbergs sat down on

their benches.

Gargel then began his address, during which he made no specific recommendation of the death penalty.

He said calmly but forcefully "The lives of these defendants cannot be balanced against the life of one American soldier fighting on foreign soil."

"It would be a decision to believe the war is over, is anything but a war inspired by Russia."

"These defendants gave their allegiance to that force which is identified as the real enemy in that fight, and these defendants were agents of antagonistic forces which may well be preparing to overthrow us."

#### OPPOSES LENIENCY

"Leniency would be an invitation for increased activity to those who regard secrecy as an indication of weakness."

"The sentence law is a weapon of defense for our freedom. In a democracy we must be prepared to defend ourselves and our institutions."

"By their actions, these defendants may have effected the lives and freedoms of future generations of mankind."

"Considering these facts, is there any room for compassion or mercy? Is there not the absolute duty to exercise the weapons of the free judicial system?"

During Gargel's remarks the Rosenbergs did not look at each other, but watched the prosecutor intently.

#### FACES SHOW STRAIN

Their faces showed definite strain in contrast to the lack of expression they displayed during the trial.

Sobell, 35 feet behind them in another chair at the side of the courtroom, sat with his arms folded, his eyes glued on the face of the judge.

After Gargel's remarks, Emanuel Bloch, defense counsel, spoke in behalf of his clients, the Rosenbergs.

"These people should be judged not by what they had intended today but what was intended in 1944 or 1945. The quality of their act as charged is to be taken in retrospect when the Soviet Union was a full-fledged ally of the United States."

"This case has assumed the importance it has because the indictment charged the defendants with transmitting information to the Soviet Union relating to the secret of the atom bomb."

"I submit that the acts of the defendants in a crime of this kind are vastly different in motive from what they would be today in view of the international situation."

"It would be hard enough to understand the motives of a man whose approach was inspired by motive and feelings prevalent among a great segment of the American population in 1944 and 1945 were compared with present-day feelings."

#### CALLS ROSENBERGS

Bloch finished at 11:30 a. m. and Kaufman directed to Rosenbergs to stand before him.

The judge explained in detail the technical details of the law which call for sentence of death or 30 years in jail for espionage in wartime.

He pointed out that a maximum of 30 years imprisonment could be given for the same crime if committed in peacetime.

Then, while the defendants stood with twisting hands, he added:

"The conspiracy was consummated on June 6, 1944, at which time this country was at war, and overt acts were committed during actual hostilities."

"No matter how idealistic one might have been, we must have one permanent thought—the betrayal of our country."

"The nature of Russian terrorism is evident today. It is so difficult to make people realize that this country is engaged in a life and death struggle with a country of different beliefs."

"I believe that never of any

there is our history with us associated with such a crime as our very existence."

Kaufman then said the importance of the atom bomb has encouraged in this country a growth of "home-grown spies."

"The punishment in this case must serve the maximum interest for the preservation of this country against the present threat to our order," he said. "He then imposed the sentence. Bloch said he would file a motion of appeal for a stay of execution with the Circuit Court and if necessary would take the appeal to the Supreme Court next fall."

"I repeat," Bloch said "the defendants, under their sentence, are as long as they breathe. They believe they are the victims of political hysteria and that the sentence was based upon erroneous political considerations having no legitimate or legal connection with the crime charged."

Sobell's attorneys then said they considered the sentence excessive and would also appeal.

#### EXECUTION STATED

In each case the appeal automatically serves as a stay of execution until a higher—maybe the highest—court has ruled.

In his denial of defense motion for dismissal, Kaufman at one point called the espionage activities of the Rosenbergs as "a dire necessity."

"The does not reflect the contrast of a Nathan Hale for his country. This was a dire business," he said.

The defense attorneys then pointed out that public attitude against Russia has changed in the last five years to a considerable degree.

Kaufman said: "You overlook one salient feature." The activities of these defendants did not cease with the war in 1945.

"There is evidence that they continued right down to a time

Continued on Page 36.



nist aggression in Korea, with more than 50,000 American casualties.

"The price of your treason may be the lives of millions of innocent people.

"By your betrayal you may have altered the course of history to the disadvantage of our own country.

"You entered this conspiracy with full realization of its implication. In this conspiracy Julius Rosenberg was the prime mover. But let there be no mistake about the role of his wife."

At this point Kaufman looked up from his prepared statement and stared for a moment at the Rosenbergs 10 feet from his bench.

Mrs. Rosenberg swayed slightly and Julius reached out his hand as if to steady her, but he did not touch her. The courtroom, every seat taken, was absolutely quiet.

## Encouraged by Wife

"Instead of trying to deter him," the Judge continued, "she encouraged the cause. She is a mature woman, three years older than her husband. She was a full-fledged partner in this crime.

"They were willing to sacrifice their own children. Their love for their cause was greater than their love for their own children."

Rosenberg, an electrical engineer, is 32. His wife, the mother of two children, is 35.

Sobell bowed his head when the death sentence was imposed on the Rosenbergs.

Earlier, a motion by U.S. attorney Saypol to delay until

tomorrow the sentencing of David Greenglass, 29, named as a co-defendant in the case, was granted.

Greenglass, a former Army sergeant at the Los Alamos atomic works, confessed to his part in the spy ring and was a chief Government witness against Mrs. Rosenberg, his sister, and her husband.

### IN FUCHS RING.

All were shown during the trial to have been key members of the notorious Klaus Fuchs-Harry Gold espionage ring which stole the nation's top secrets and transmitted them to Russia.

The sentence of the Rosenbergs

was the climatic scene of a dramatic trial.

### STARES AT PAIR.

Reading from a prepared statement, the youthful-looking Kaufman, his voice taut with emotion stared at the Rosenbergs as he said:

"This judgment has not been easy for me. I am just as human as other people and for days I have searched the records and my conscience to find some reason for mercy, for it is only human to be merciful.

"But I would violate the trust placed in me by the people of the United States—the trust placed in my hands—if I would show leniency to the defendants Rosenberg."

The jurist paused, his voice rising as he said:

"I sentence you, Julius and Ethel Rosenberg to death in the manner prescribed by law during the week of May 31."

### LITTLE EMOTION.

Mrs. Rosenberg's head drooped for a brief second. Then she lifted her chin to stare back at the bench.

Julius, half turned to her but she did not return his glance. His hands, clasped in front of him, tightened but he gave no other sign of emotion.

Sobell was sentenced at 12:24 p. m.

He stood with hands folded before him and shook his head in the negative as the judge asked him if he had anything to say. Kaufman then declared:

"While I have not the slightest sympathy for you or any of your associates I must, as a judge, be objective in the examination of the evidence in this case.

"I do not for a moment doubt that you were engaged in espionage activities; however, the evidence in the case did not point to any activities on your part in connection with the atom bomb project.

### MUST DO JUSTICE.

"I cannot be moved by hysteria or motivated by a desire to do the popular thing. I must do justice according to the evidence in this case. There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense.

"I, therefore, sentence you to the maximum prison term provided by the statute, to wit: 30 years.

"While it might be gratuitous on my part, I also note at this point my recommendation against parole for this defendant."

According to testimony of Government witnesses during the trial,

# Judge Calls Rosenbergs 'Worse Than Murderers'

Mother heart of atom spies' death sentences. See Page 12. Other photos pages 18, 19 and 21.

By HOWARD RUSHMORE

Two defendants in the nation's first atom bomb spy trial—a husband and his wife—today were sentenced to die in the electric chair for betraying their country to Russia.

They are Julius and Ethel Rosenberg, American-born parents of two children, who live at 10 Monroe st., Knickerbocker Village.

A third defendant, Morton Sobell, was sentenced to 30 years in prison, with a recommendation that he not be given a parole.

The death sentences are the first ever imposed on United States citizens for spying against their country either in war or peace time.

## 'Your Crime Worse Than Murder'

Before a hushed and packed courtroom, Federal Judge Irving R. Kaufman told the white-faced Rosenbergs, standing side by side:

"By your betrayal you have altered the course of history.

"I consider your crime worse than murder.

"I am convinced I would be violating the sacred trust the people have imposed in me were I to show mercy."

The court did not specify the method of execution beyond to state that it should be carried out "according to law" during the week of May 21.

Under this law, this would mean execution in Sing Sing's electric chair, under Federal supervision.

Kaufman imposed the death sentence at 12:08 p. m. after a dramatic speech in which he said:

"These defendants made their choice of the Russian ideology which is a denial of God.

"Their crime is worse than murder. Plain murder is dwarfed in magnitude by this crime.

"Committing the act of murder the criminal kills only his victim.

"Concerning your case you transmitted to Russia information on the atom bomb years before our own scientists had said Russia was making the bomb.

"This may already have caused the Commu-





**JULIUS ROSENBERG**



**MRS. JULIUS ROSENBERG**

**DOOMED TO DIE . . .** The ROSENBERGS are shown in these closeups as they arrived today at the Federal Courthouse here for sentencing as atom spies. Federal Judge Irving R. Kaufman de-

creed that Rosenberg, 32, an electrical engineer, and his wife, Ethel, 35, and mother of 2, must die for their part in furnishing wartime atom secrets to an international Soviet spy ring.

Wirephoto from AP.

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## Kaufman Ready To Sentence A-Spies

Whether four American spies must die for betraying atom bomb secrets to Russia will be revealed today by Federal Judge Irving R. Kaufman.

If Judge Kaufman imposes the death penalty it would be the first ever meted out against U.S. citizens for espionage in this country.

The alternate maximum sentence would be 30 years in prison for Julius Rosenberg, 32, an electrical engineer; his wife, Ethel, 35, and Morton Sobell, 34, electronics expert.

Awaiting sentence with them was Mrs. Rosenberg's brother, former Army Sgt. David Greenglass, 29. He was expected to draw the lightest penalty because he confessed his part in the wartime Soviet atom spy ring and testified against his sister and brother-in-law.

The Rosenbergs and Sobell were convicted by a jury of 11 men and one woman last week.

Mrs. Tessie Greenglass, 63, mother of David and Ethel, pleaded with Judge Kaufman yesterday to spare their lives. The jurist consoled her but gave no hint of what today's sentences would be.

Judge Kaufman has received hundreds of letters from throughout the nation since the convictions last Thursday. Most of the letters, it was understood, urged him to exact the death penalty.

Few expressed sympathy or made pleas for leniency.

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World Telegram & Sun



## Convicted A-Spies Near Fates Today

*Continued from Page 4*

weeks of investigation, arrested Harry Gold, a plump biochemist of 40, as the courier, and Gold, too, confessed. Then came the arrests of Greenglass, the Rosenbergs and Sobell. The latter had fled to Mexico, and was extradited.

Trial started, the government con-

### Ex-Employers Convicted

Before the Rosenberg-Sobell verdict Gold's former employers, Abraham Brothman, a Queens chemist, and Miriam Moscovitz of 151 Eighth Av., of conspiracy to obstruct justice by influencing Gold to give false testimony to a Grand Jury investigating espionage here in 1947.

They were sentenced by Judge Kaufman, Brothman to seven years in prison and Miss Moscovitz to two. The jurist said as he imposed the maximum sentences that he regretted that the penalty was not more severe.

# 3 Atom Spies for Soviet To Be Sentenced Today

By MALCOLM LOGAN

A week after their conviction as members of the Soviet spy ring which stole the secret of the Atom Bomb, Julius and Ethel Rosenberg and Morton Sobell were to return to Federal Judge Irving R. Kaufman's court room today to hear their sentences.

The penalty for any or all of them may be death; if Judge Kaufman decides to send them to prison, they face 30-year terms.

The death penalty was written into the law in 1917, but Asst. U. S. Atty. Cohn, one of the prosecution staff, said that so far as he could find, no American had ever forfeited his life for espionage.

## 8 Nazis Electrocuted

On Aug. 8, 1942, six of the eight Nazi saboteurs who landed on the Long Island and Florida coasts, were electrocuted in Washington after their conviction by a military commission for espionage and the additional crime of sabotage, but these are the only executions on record.

Before Judge Kaufman pronounces sentence, U. S. Attorney Saypol, who directed the prosecution which ended with the jury's verdict of guilty last Thursday, will recommend the penalties the Justice Dept. believes should be imposed.

He conferred in Washington yesterday with Attorney General McGrath, but would not indicate what decision was reached.

Henry C. Hell, 19, a University of Michigan sophomore, tried to do a good turn for a motorist whose auto was being ticketed for overparking in front of a parking meter. Hell dropped a penny into the meter while a policeman was writing the ticket. Hell paid a \$4.30 fine for violating an ordinance which prohibits "unauthorized persons" from putting coins in meters.

Kaufman after he disposed of the other three.

Yesterday afternoon Mrs. Tessie Greenglass of 64 Sheriff St., the aged mother of Greenglass and Mrs. Rosenberg, went to see Judge Kaufman and was with him more than an hour, pleading for clemency for her children.

When the jury had returned its verdict, Judge Kaufman indicated that the three defendants could expect little mercy from him. He said:

"That citizens should lend themselves to the destruction of their own country by the most destructive weapon known is so shocking that I can't find words to describe the loathsomeness of sense."

## Detained Separately

Since their conviction, the three have been detained separately. Mrs. Rosenberg, a tiny woman of 35 and the mother of two children, has been in the Women's House of Detention;

her 33-year-old husband in the Federal House of Detention, and Sobell, 34, an electronics expert, in a cell in the Tombs.

The theft of the most terrible military secret in history was engineered with almost ridiculous ease by the Soviet spies and their allies in the U. S. and Great Britain.

The first public knowledge of it came with the arrest on Feb. 2, 1950, of Dr. Klaus Emil Fuchs, 41, a thin, fallow, spectacled German-born physicist who was granted British citizenship and taken into the Atom Bomb project when it was started in 1943.

After long questioning Fuchs, an admitted Communist, confessed that he had passed to Soviet Russia on everything he knew about the atomic research.

Much of this information was given by him to an American courier, whose real name he did not know. FBI agents, after

Continued on Page 33

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Paul & Rose Neuman



Mrs. Tessie Greenglass, whose son and daughter will be among four atomic-bomb spies sentenced today, spent 45 minutes yesterday pleading with U. S. Judge Irving R. Kaufman for leniency. The judge revealed he received hundreds of letters asking that he impose the death penalty.

Her son, David, former Army technical sergeant, who pleaded guilty, was among witnesses testifying against her daughter, Mrs. Ethel Rosenberg, 35, and Ethel's husband, Julius, 34. Morton Sobell, 34, tried with the Rosenbergs, also will be sentenced. David is expected to receive a lighter sentence than the others, who face possible death.

Kaufman listened patiently to Mrs. Greenglass, who was accompanied by an attorney who declined to identify himself. The court made no promises and refused to comment to reporters.

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## Mother Asks Mercy for Atom Spies

Mrs. Tessie Greenglass, mother of David Greenglass and Mrs. Ethel Rosenberg, who will be sentenced today for conspiracy to commit espionage, asked Judge Kaufman to show her mercy for her children. Mrs. Greenglass said she had been in the courtroom for 45 minutes. Judge Kaufman, who may sentence her children and two others to death, refused to comment on the visit.

Greenglass was a principal government witness against his sister and her husband, Julius Rosenberg, electrical engineer. Greenglass had confessed before the trial began. The fourth defendant in the case was Morton Sobell, electronics expert.

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# Spies' Mother In Mercy Plea

Mrs. Tessie Greenglass, mother of ex-Sgt. David Greenglass and Mrs. Ethel Greenglass Rosenberg, two of four defendants facing sentence today for conspiracy to steal U. S. atom secrets for Russia in wartime, yesterday pleaded for mercy for her children in a 45-minute visit to Federal Judge Irving R. Kaufman in his chambers. She voiced no comment as she left the court with an attorney.

Mrs. Rosenberg, 35, her husband, Julius, 32, an electrical engineer, and Morton Sobell, 35, an electronics expert, were found guilty by a jury last Thursday. David Greenglass, the Government's star witness against the three, pleaded guilty before the trial.

Judge Kaufman, if he chooses, can pronounce the death penalty against all four.

Numerous letters have reached the judge since the trial's conclusion. A high percentage reportedly urged him to punish the Rosenbergs and Sobell with death.

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# Precedent Seen If A-Spies Die

If the Rosenbergs should die, they will be the first persons ever executed for espionage after trial in the U. S. civil courts.

The Nazi saboteurs, who landed in this country in a submarine during World War II, were executed in Washington after trial by a military tribunal.

Under Federal law, the death sentence is carried out in the state in which the prisoners were convicted.

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# 2 Kaufmans on Bench— Irving R. a Credit

By LESLIE GOULD  
Financial Editor

There are two Judge Kaufmans on the Federal bench in New York. One is Irving. The other is Samuel.

Judge Irving R. Kaufman presided over the A-bomb spy case. Judge Sam Kaufman presided at the first Alger Hiss trial.

Judge Irving Kaufman has brought credit to the Federal bench. The other Kaufman—Sam—has brought widespread criticism, even censure from Congress, for his judicial conduct.

The two are no relation. They are not comparable in any way—in their judicial behavior nor in their pre-judge-ship selection of clients.



LESLIE GOULD

One of Judge Sam Kaufman's clients was that notorious draft dodger—the millionaire refugee Serge Rubinstein. He, with the now U. S. Senator Brian McMahon, served as counsel in 1943 to prevent Rubinstein's deportation.

Rubinstein who made a business of hiring lawyers, particularly those he thought might have influence, once sought to engage Irving Kaufman, but Irving Kaufman would have none of him.

When Sam Kaufman was up for appointment to the bench, the Association of the Bar of New York City failed to endorse him. He was able to get only the endorsement of the N. Y. County Lawyers Association.

When Irving Kaufman was proposed, the Association of the Bar of New York City gave its full, unqualified approval.

If Sam Kaufman had not received the o.k. of the N. Y. County Lawyers he might have failed to win Senate confirmation. Some months after taking the bench, the Third Ave. Transit company went into receivership and Sam Kaufman named the trustees.

Receivership trustees are a prized plum—worth a great deal of money in fees—and to one of

the trusteeships, Judge Sam Kaufman appointed I. Howard Lehman, who was president of the N. Y. County Lawyers at the time Sam Kaufman won that organization's endorsement.

The jury that tried Hiss before Sam Kaufman was deadlocked 3 to 4 for conviction. The second trial before one of the most respected and fairest judges on the bench—Goddard—resulted in conviction—a conviction that was upheld in the higher courts.

One of the repugnant exhibitions in the first Hiss trial was the way Judge Sam Kaufman greeted Supreme Court Justices Felix Frankfurter and Stanley Reed, who were character witnesses for Hiss.

There was no fanfare in the A-bomb trial, presided over by Judge Irving Kaufman. It was a well handled judicial job in keeping with the one time tradition and dignity of the Federal bench.

Judge Irving Kaufman in sentencing two of the convicted spies to death made a statement that should ring from one end of the country to the other. He said:

"These defendants made their choice of the Russian ideology which is a denial of God. Their crime is worse than murder . . . Committing the act of murder the criminal kills only his victim."

"The price of your treason may be the lives of millions of innocent people . . . I sentence you, Julius and Ethel Rosenberg to death . . ."

What this country needs is more Irving Kaufmans on the Federal bench.

*Handwritten signature or mark.*

*Handwritten initials "CCB".*

*Journal American*  
APR 18 1951

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## MORE ABOUT ATOM SPIES . . .

(Continued from Page 5)

term provided by statute, to wit, 30 years.

"While it might be gratuitous on my part, I also note at this point my recommendation against parole for this defendant."

As Sobell was led away to a detention cell, his wife, Rose, picked up her black-and-white checked coat and followed. She turned wearily away from reporters and attempted to talk to her husband, but was not permitted to join him.

In moving for dismissal of the indictment against Sobell, his attorney, Harold M. Phillips, presented an affidavit in which Sobell swore to his abduction in Mexico. Judge Kaufman asked why this had not been brought up at the trial, and Phillips explained that the defense had not wanted to place the defendant on the stand.

"The jury has spoken," Kaufman said in denying the motion. "He was tried in the American way."

The court's hint that Greenglass might be let off lightly at his sentencing today was dropped to O. John Rogge, Greenglass' attorney, who applied unsuccessfully for a delay of sentence to Monday. Rogge reminded the court that Greenglass had "not committed a second offense" after turning over atom secrets to the Rosenbergs and had aided the prosecution. Judge Kaufman nodded understanding and said there were "some things I have in mind."

The Judge said he supposed Greenglass "did a lot of soul searching" before deciding to turn on his sister. "I know it required a great deal of courage," he said.

U. S. marshals reported that the Rosenbergs, in their detention cell after being sentenced to death, sang to bolster their spirits. They said Mrs. Rosenberg sang an aria, "One Fine Day," from Puccini's "Madame Butterfly," and the popular ballad, "Good Night, Irene." They said she sang another song which they did not recognize but which included the phrase: "America is a beautiful country."

Rosenberg, they said, sang "The

Battle Hymn of the Republic."

Mrs. Rosenberg's mother, 84-year-old Mrs. Tessie Greenglass, a widow, who the day before had pleaded with Judge Kaufman to be lenient with her daughter, was not in court. Through the closed door of her Lower East Side apartment, where she has been caring for the Rosenberg's children—Michael, 8, and Robert, 4—she received the news from reporters.

"It's not well," she shouted. Then a few seconds later, she cried: "I expected any sentence but that."

When reporters asked her to comment on her son's betrayal of his sister, she broke into sobs and pleaded:

"Go way. Go way."

Dr. Allan Nevins, Columbia historian, commented on the death sentences that "from a historical viewpoint, this is a case that will be long remembered."

He recalled no major Federal cases in which an American convicted of treason paid with his life.

The third defendant convicted with the Rosenbergs, Marion Sobell, 34, got 30 years. Judge Kaufman denied a defense motion to dismiss the charges against him on the ground that he had been kidnapped in Mexico at gunpoint and turned over to the FBI across the border in America.

The court set 2 p.m. today for the sentencing of David Greenglass, 29, who pleaded guilty as a member of the spy ring and whose testimony for the government helped doom his sister, Mrs. Rosenberg, to the electric chair. The court hinted that Greenglass would be rewarded with leniency.

Judge Kaufman set the week of May 21 for execution of the Rosenbergs in the chair at Sing Sing. However, all three defendants have announced that they will appeal and the case will remain in the courts for many months.

#### "Altered Course of History"

In sentencing the Rosenbergs, Kaufman said they had "altered the course of history to the disadvantage of our country" and "caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans."

U. S. Attorney Saypol, who prosecuted, did not request the death penalty in his address to the court. Emanuel Bloch, of counsel to the Rosenbergs, pointed out to Judge Kaufman that Russia, which presumably received atomic information from the defendants, was a "full-fledged ally" of the U. S. in the war against Germany during the 1944-45 period of the alleged spying. He cautioned the court:

"Great efforts are being made to bring the United States and Russia into an orbit of understanding. It is not for me to talk of the effect of your sentence which will be radiod around the world within three minutes." He added:

"Who knows but that tomorrow the Soviet Union and the United States may reach an accord?"

#### Oliver Tokyo Rose, Axis Sally

Bloch called to mind that "Tokyo Rose" and "Axis Sally" got terms of only 10 to 15 years for treason.

After the sentencing, he said the Rosenbergs "believe they're the victims of political hysteria."

All three defendants had taken their sentences without show of emotion, except for a slight bulging in Rosenberg's neck muscles.

The Rosenbergs were sentenced first. Judge Kaufman told them that their crime was "worse than murder" and "only the Lord can find mercy for what you have done." As a church bell tolled noon, he concluded:

"The sentence of the court upon Julius and Ethel Rosenberg is that you, Julius and Ethel Rosenberg, for the crime for which you have been convicted, are hereby sentenced to the punishment of death and it is ordered that upon some day within the week beginning with Monday, May 21, you shall be executed according to law."

In sentencing Sobell a few minutes later, Kaufman told him:

"There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense. I therefore sentence you to the maximum prison

(Continued on Page 18)



# Judge Decrees Death For Rosenbergs as Atom Spies

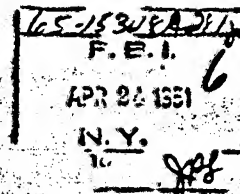
By DICK ARMSTRONG

REUTERS

Julius Rosenberg, 32, and his wife, Ethel, 35, convicted of atom bomb spying, yesterday became the first Americans in the nation's history to be sentenced to death by a civilian court for espionage. Federal Judge Irving R. Kaufman imposed the maximum penalty for

wartime spying — the peacetime maximum is 30 years — even though the government did not demand it.

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APR 24 1951  
BY S. J. DIVISION





# Text of Judge Kaufman's Statement on Sentencing Bomb Spies

Following is Judge Kaufman's statement in sentencing the spy trial defendants:

In view of the importance of the sentence I am about to impose, I believe it is my duty to give some explanation respecting them.

As the sentence would be to say a few words about the law under which these defendants are about to be sentenced.

## The Law

It provides for the following punishment: If the espionage or conspiracy to commit espionage is committed during time of war, the punishment might be death or imprisonment for not more than thirty years. If the espionage or conspiracy to commit espionage is committed at any other time, the maximum punishment is imprisonment for not more than twenty years.

This section, under which the defendants were prosecuted and convicted, was enacted in 1917, at which time the Russian international spy ring did not present the threat to all of us which it does now. Today, it is a well-organized, well-directed ring with contacts which reach into the most vital places.

The inconspicuous penal provisions of the statute are spotlighted by the twenty-year maximum imprisonment provisions for commission of the offense of espionage during peace time. I ask that some thought be given to that for a moment, for it most likely means that even if spies are successful in the year 1945 in delivering to Russia or any foreign power our secret communications, the newer type atom bomb, or even the H-bomb, the maximum punishment that any court could impose in that situation would be twenty years.

Therefore, may it be time for Congress to re-examine the penal provisions of the espionage statute?

In the case before me the conspiracy as alleged and proven commenced on or about June 4, 1941, at which time the country was at war. That act was committed during the period of actual hostilities. Therefore, the maximum penalty is death or imprisonment for not more than thirty years.

Espionage, as I have said today, does not reflect the courage of a Nathan Hale, risking his life in the service of his own country. It is rather a sordid, dirty work, however laudable are the rationalizations of the persons who engaged in it, but one paragraph about them, the betrayal of one's own country.

## Spies Under No Delusions

Citizens of this country who betray their fellow-countrymen are under none of the delusions about the benignity of Soviet power that they might have been prior to World War II. The story of Russian terrorism is

now self-evident. It is a national disgrace.

The issue of punishment in this case is presented in a unique framework of history. It is an effort to make people realize that this country is engaged in a life and death struggle with a completely different system. This struggle is not only manifested externally between these two great forces but this man himself is a part of it. He is involved in the employment by the enemy of secret as well as overt espionage forces among our own people. All of our democratic institutions are, therefore, directly involved in this great conflict. I believe that never at any time in our history were we ever confronted of the same degree that we are today with such a challenge to our very existence. The atom bomb was unknown when the espionage statute was drafted. I emphasize this because we must realize that we are dealing with millions of destruction which can wipe out millions of Americans.

The competitive advantage held by the United States in super-scientific knowledge has not a promise on the services of a new school of spies - the espionage variety that places allegiance to a foreign power before loyalty to the United States. The punishment to be meted out in this case must therefore serve the maximum interest for the preservation of our security against these traitors in our midst.

## Sentence of Julius and Ethel Rosenberg

It is ironic that the very country which these defendants betrayed and sought to destroy placed every safeguard around them for obtaining a fair and impartial trial, a trial which commenced three weeks in this court. I recall the defendant Julius Rosenberg testifying that our American system of jurisprudence met with his approval and was preferred over Russian justice. Even the defendant's remark - by the admission - that this type of trial would not have been afforded to them in Russia. Certainly, to a Russian national accused of a conspiracy to destroy Russia not one day would have been consumed in a trial. Yet, they made a choice of devoting themselves to the Russian ideology of denial of God, denial of the sanctity of the individual and aggression against free men everywhere, instead of serving the cause of liberty and freedom.

Your crime is worse than murder. Plain deliberate contemplated murder is dwarfed in magnitude by conspiracies with the crime you have committed in committing the act of murder. The criminal kills only his victim. The immediate family is brought to grief and a whole nation is grieved. The chapter is closed. But in your case, I believe your conduct in getting into the hands of the

## SENTENCED TO 30 YEARS



Morton Sobell leaving Federal Courthouse. The New York Times

Remember the A-bomb years before our best scientists produced Russia would perfect the bomb has already caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans and who know but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country. No one can say that we do not live in a perilous state of tension. We have evidence of your treachery all around us every day - for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack.

Now as it is said in mitigation of the offense that the power which set the conspiracy in motion and profited from it was not hostile to the United States at the time of the conspiracy. If this was your excuse then the effort of your ways in setting your

alives above our property constitutes a betrayal and the sentence of these traitors must be made known to the people.

The defendants are American citizens who profited from our system of free higher education. Additionally their country has the basic Marxist goal of world revolution and the destruction of capitalism was well known to the defendants. If it had not been so, why would they have been so eager to die? They knew that they were most deadly and deadly guarded secret weapons to Soviet agents.

## Notion Must Be Discard

In the light of this, I can only conclude that the defendants entered into this most serious conspiracy against their country with full realization of its implications. The statute of which the defendants at the bar stand convicted is clear. I have previously stated my view that the verdict of guilty was amply justified by the evidence. In the light of the circumstances, I feel that I must pass such sentence upon the principals to the disloyal conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate; that traitors in military secrets, whether promoted by Marxist dogma or by a foreign ideology or by a desire for monetary gains must cease.

The evidence indicated quite clearly that Julius Rosenberg was the prime mover in this conspiracy. However, let no mistake be made about the role which he and Ethel Rosenberg played in this conspiracy. Julius and Ethel Rosenberg, like any other traitor, had no noble cause, she encouraged and assisted the same. She was a mother, a woman - almost three years older than her husband and almost seven years older than her younger brother. She was a full-fledged partner in this crime.

Indeed, the defendant Julius Rosenberg placed their devotion to their cause above their own personal safety and were conscious that they were sacrificing their own children, should their wickedness be exposed - all of which did not deter them from pursuing their course. Love for their cause dominated their lives and was greater than their love for their children.

What I am about to do is not easy for me. I have deliberated for hours, days and nights. I have carefully weighed the evidence. Every minute, every hour of my body has been taxed. I am not a human as are the people who have given me the power to impose sentence. I am convinced beyond any doubt of their guilt. I have searched the records and have found no evidence to suggest that they were innocent. It is my duty to try to share with you the sentence which I am imposing. I am convinced, however, that

would violate the customs and mores of the people of this land have placed in my hands the power to share with you the sentence which I am imposing.

It is not to my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can forgive you for what you have done. The sentence of the Court upon Julius and Ethel Rosenberg is that for their crime they are sentenced to death. The sentence will be carried out according to law in the week beginning in November, May 31.

## Sentence of Morton Sobell

While I have not the slightest sympathy for you or any of your associates, I must, as a judge, be objective in the administration of the evidence in this case. I do not for a moment doubt that you were captured in espionage activities. However, the evidence in the case did not point to any activity on your part in connection with the atom bomb project. I cannot be moved by hysteria or motivated by a desire to do the popular thing. I must do justice according to the evidence in this case. There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense. I, therefore, sentence you to the maximum prison term provided by statute, to wit, thirty years.

While it might be gratifying on my part, I also note at this point my recommendation against parole for this defendant.



**BOUND FOR DEATH CELLS**—Julius Rosenberg, convicted A-bomb spy, looks through screen dividing prison van at his wife, Ethel, as they are taken from Manhattan Federal Building to detention pens after hearing Federal Judge Kaufman sentence them to death for betraying American bomb secrets to Russia in wartime. Rosenbergs plan appeal.

## Judge Might Spare 3d A-Spy, Ex-GI, 29, From Death in Chair

Continued from Page 1

the Rosenbergs, said they never will change their plea of innocence.

"They believe that they are victims of political hysteria and that their sentence was based upon extraneous political considerations having no legitimate or legal connection with the crime charged against them," Bloch said.

Judge Kaufman ordered the Rosenbergs, parents of two children, to be put to death some time in the week of May 21. If his sentence is carried out, Mrs. Rosenberg will become the first woman to die as a Federal prisoner since 1865, when Mrs. Mary Surratt was hanged publicly for plotting with John Wilkes Booth the assassination of President Lincoln.

**Baby Brother Exposed Her**  
It was the repentant Greenglass, Mrs. Rosenberg's "baby brother," who exposed her as a member of the spy ring that was exposed with the arrest of Dr. Klaus Fuchs, British atomic scientist.

Greenglass testified that the Rosenbergs had persuaded him to give them atomic secrets for use by the Russians in 1944 after he had mentioned the nature of his Army work while visiting them on furlough.

During the three-week trial, Greenglass described the inner workings of the atom bomb as it had been developed at Los Alamos, where he had been assigned as a technician. His testimony was so secret that Judge Kaufman cleared the courtroom of newsmen and spectators.

Judge Kaufman indicated at that time that he would not be too harsh with Greenglass, even if their attorneys fail to win an appeal, though he was equally guilty under his own admission. The judge said the decision.

Greenglass to implicate his own sister had taken "a lot of soul-searching and courage."

Judge Kaufman said he had reached his own decision to inflict the capital penalty upon the Rosenbergs only after he had searched his own soul. He said he spent hours of prayer for Divine guidance in his syna-

logue before reaching his historic conclusion.

United States District Attorney Irving H. Saypol, the Government's prosecutor, said that he, too, had tried to find the answer at the synagogue. But Judge Kaufman assumed the sole responsibility of deciding whether the Rosenbergs should die.

The judge scored the Rosenbergs in a passionate preface to the decision he had reached. Their successful espionage, he said, had hastened Russian progress in perfecting the atomic bomb at least three years and had strengthened Soviet "confidence which already has caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason."

The Rosenbergs exchanged whispers before they were taken by U. S. Marshals to separate cells. They were grim and white-faced when they heard Judge Kaufman pronounce words of doom, but hours later their spirits perked up.

Mrs. Rosenberg, a soprano, sang in her cell "Good Night, Irene" and "One Fine Day," the aria of hope and optimism from Puccini's opera, "Madame Butterfly." Her husband sang "The Battle Hymn of the Republic."

A Department of Justice spokesman announced in Washington yesterday that the Rosenbergs would be detained in New York for the time being. He said his department had not completed arrangements for the execution.

However, it was believed that the execution order would be carried out at Sing Sing Prison, too harsh with Greenglass, even if their attorneys fail to win an appeal, though he was equally guilty under his own admission. The judge declines to intervene.



**DECISION MADE**—Federal Judge Irving R. Kaufman in his chambers shortly after pronouncing death sentence on atom-spies.



# Judge Might Spare— 3d A-Spy From Chair

**Greenglass, Ex-GI  
At Los Alamos, Due  
For Sentence Today**

A stern Judge passes sentence today on a former army sergeant turned spy whose testimony condemned his sister and brother-in-law to death for giving atom bomb secrets to Russia.

Federal Judge Irving R. Kaufman, 41, indicated he would spare the life of David Greenglass, 29, who had obtained information about the bomb while working as a technician at the Los Alamos, N. M., plant.

Kaufman sentenced bespectacled Julius Rosenberg, 32, and his wife, Ethel, 35, to death yesterday at the conclusion of an eight-minute commentary on their treachery, which, he said, "altered the course of history."

It was the first time that a husband and wife had received the death sentence in a Federal Court. The maximum penalty also was the first given in a civil court under the 1917 espionage act.

Kaufman was more lenient with co-conspirator Morton Sobell, 35, a radar expert, only because evidence did not involve him with the atomic bomb betrayal. He was given a maximum 30-year sentence.

**Only Truman Can Save Them**

Attorneys for the Rosenbergs and Sobell said they would appeal the verdict to the United States Circuit Court of Appeals and, if necessary, to the Supreme Court of the United States.

Although the Supreme Court can alter the verdict, it cannot change the death penalty. Only President Truman is empowered to spare the Rosenbergs' lives if the higher courts reject their appeals.

Emanuel Bloch, attorney for



**David Greenglass  
Hears Fate Today**

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JPF

# It Spies Die: New Chapter in U. S. History

If the execution of Julius and Ethel Rosenberg for espionage is carried out, its recording will be the first such entry in the ledger of American history.

No death sentence, had been imposed from the time the Government enacted the Espionage Act in 1917 until Judge Kaufman pronounced his words of doom yesterday.

Military courts had decreed death for various offenses—six Nazi saboteurs were electrocuted in Washington on Aug. 3, 1942, and four persons, one a woman, were hanged for the assassination of President Lincoln.

The death penalty, too, had been voted out from time to time for treason. But no such sentence was ever carried out.

"From a historical viewpoint," commented Dr. Allan Nevins, historian and Pulitzer prize winner

yesterday, "this is a case that will be long remembered."

Execution for a federal offense in peacetime always has been a rarity, and especially so in this U. S. district. No records could be found in Foley Square of such an event. Veteran attaches said they believed the last person put to death by the Government here was a sailor, hanged for mutiny about 100 years ago. No woman ever has been executed, they reported.

Among the nation's celebrated treason defendants were:

John Fries. A foe of direct taxation, he led the "Fries Rebellion" in Pennsylvania in 1789, was convicted of treason by a federal jury and sentenced to death, but pardoned by President John Adams.

Aaron Burr. Defeated for the Presidency by Thomas Jefferson, he was accused of plotting to set up an independent government in the Southwest, with New Orleans as capital. He was arrested for treason but acquitted by a jury in Richmond, Va., in 1807.

Lambdin P. Milligan, Indiana editor. He was sentenced to death in 1866 by a military court for insurrection, treason and giving aid to the Confederacy. The Supreme Court ruled the military had no jurisdiction, and freed him.

Jefferson Davis, President of the Confederacy. He was arrested for treason along with other members of his Government. All were amnestied.

The nation's first major traitor, Benedict Arnold, fled after betraying secrets to the British during the Revolutionary War, and never was caught.

The woman executed for her part

in Lincoln's assassination was Mrs. Mary S. Surratt, in whose Washington boarding house the slayers hatched their plot. She and three men were hanged in Washington on July 9, 1865.

The Nazi saboteurs executed in

the capital were Herbert Haupt, Edward J. Kerlin, Heinrich H. Heinick, Richard Quirin, Werner Thiel and Hermann Neubauer. Two accomplices who testified for the Government were spared. Ernest P. Burger got life and George J. Dasch 30 years.

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APR 6 1951



# Mother's Sobs Echo A Daughter's Doom

By EDWIN HOLDEN

Dazed and alone, a heartsick old woman tried to lock the door of her cold water flat on the world yesterday. But it didn't work.

It didn't work any more than trying to lock her mind against the grim truth that her only daughter had been condemned to die as an atom spy.

Mrs. Tessie Greenglass, 69-year-old mother of Ethel Rosenberg, sat behind the bolted wooden door of her three-room apartment at 64 Sheriff St., when reporters pounded. The only sound was of muffled sobs.

A reporter shouted through the door that Mrs. Rosenberg and her husband, Julius, had been sentenced to death in the electric chair.

Silence for a few minutes, then the faint answer:

"It's not well."

A few seconds later, Mrs. Greenglass called:

"I expected any sentence. But not that."

The stream of questions kept pouring through the wooden barrier. Would Mrs. Greenglass visit her daughter? "Of course," her voice clear, a little sharp.

One newsman called: "Did you hear about it on the radio?"

"I didn't want to hear it," was the soft reply.

The sobs grew louder, as the questions continued. Finally, in a strained voice, Mrs. Greenglass begged: "Go way. Go way."

So the reporters went away and left Mrs. Greenglass alone with her grief. Today, she faces another ordeal, when one of her three sons, David, a former Army sergeant, comes up for sentence on the same charge as Ethel—spying for Russia. He pleaded guilty.

TITLE

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DATE APR 6 1951

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F. B. I.

APR 24 1951

N. Y.

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# Rosenbergs to Die as A-Spies, Sobell Gets 30 Years

(Continued from page 1)

was getting every available foot of courtroom. The Rosenbergs took it in silence. Judge Kaufman delayed his decision until 10:30 a.m. At 11:45 P. M. Marshal William A. Carroll escorted the prisoners to their eight jailings—Mrs. Rosenberg to the Women's House of Detention, her husband to the Federal House of Detention and Sobell to the City Prison. Carroll hopes to arrange for the transfer of the Rosenbergs to Sing Sing today.

Later the Rosenbergs burst into song in their cells. Ethel sang "One Fine Day" and "Goodnight, Irene" and her husband sang "The Battle Hymn of the Republic."

Georgetown Today. Before calling to the Rosenbergs, Judge Kaufman had postponed until 8 P. M. today the sentencing of Mrs. Rosenberg's brother, David Greenglass, 34, pudgy 35-Army sergeant who was persuaded to transmit information to the Rosenbergs while he was stationed in 1945 at the super-secret Los Alamos, N. M., atom project.

Greenglass was indicted with his sister, brother-in-law and Sobell, but pleaded guilty and became a star witness against them. Though technically liable to the death penalty, it's a safe bet Greenglass will draw a prison term. Judge Kaufman mentioned that he had required a lot of hard searching and courage "for Greenglass to aid his Government against his kin."

Consent for Sobell and the Rosenbergs announced they would appeal.

Mrs. Rosenberg, who formerly lived with her husband and child at 1 Monroe St. in Knickerbocker Village, was light-hearted on her way to court from the Women's House of Detention. She chatted about the weather and hats with her escort, Deputy Marshal Eileen McLaughlin.

She entered the court courtroom at 8:45, wearing a gray coat, blue hat, blue skirt and red vest over a pinkish blouse. Sobell had arrived from City Prison earlier, handcuffed to a marshal. He carried a book titled "The Dead Star Young."

Rosenberg was ushered in at 10. His glance fell first on Sobell, his friend since their student days at City College. Then he saw his wife. But there was no conversation; attendants kept them apart. In the court, defense counsel were pulling up their last fight before the sentencing. Emanuel M. Bloch, for the Rosenbergs, moved for a new trial and an arrest of judgment on grounds previously stated. Kaufman denied the motion.

A brief sketch of Judge Kaufman appears on page 14.

For, charged his client had been snatched up illegally by Mexican officials in Mexico and thrust across the border, unafraid, into waiting FBI hands. Judge Kaufman was not impressed.

The Rosenbergs then were brought in, and U. S. Attorney Irving M. Saypol rose.

Saypol Chief Prosecutor.

Saypol cited the statutes on wartime espionage punishment, noting that the maximum alternative was death or not more than 30 years' imprisonment. He confessed a certain confusion as to why Congress had not permitted a prison sentence of more than 30 years in lieu of death, but urged the court to consider clearly the Rosenbergs' offense.

"They gave their allegiance to forces which now are proven allied to the real enemy in Korea, where young American lives are being sacrificed daily," said Saypol.

"How can the life of a single individual suffered by such treasonable activities be weighed against the life of a single American soldier fighting in a distant land?"

Generations Affected.

"In terms of human life, these defendants have affected the lives, and perhaps the freedom, of whole generations of mankind."

"In the light of these considerations, is there room for compassion or mercy? Is there not an absolute duty to exercise the only weapons of defense available to our free judicial system which is here charged with acting in defense of our society?"

The prosecutor declared leniency would be merely an invitation to increased activity by this country's internal foes.

Bloch, for the Rosenbergs, asked that their actions be judged in the light of the 1944-45 international situation when Spain still was



U. S. Attorney Saypol  
Confessed Government's case

playing the role of ally. Public opinion would not have been outraged had they been detected in 1944, he asserted. He also said the political wheel might turn again, with Russia becoming a friend.

"Tokyo Rose and Axis Sally were convicted of treason and received terms of only 10 to 15 years," Bloch argued in a last try, as Judge Kaufman remained unmoved.

In commencing sentences, the jurist called attention to a broad loophole in the espionage laws. While the Rosenberg-Sobell-Greenglass conspiracy occurred in wartime and thus became subject to the highest punishment, the current law provides only a 30-year maximum for similar actions in peacetime.

"I ask that some thought be given to that," Kaufman said, "for it seems likely Russia that tried to spy are successful in 1951 in delivering to Russia or any foreign

power our secrets concerning the power type atom bomb, or even the H-bomb, the maximum punishment that any court could impose in that situation would be 30 years."

"I therefore, say that it is time for Congress to reexamine the present provisions of the espionage statute."

Espionage such as committed by the Rosenbergs "does not reflect the courage of a Nathan Hale, risking his life in the service of his own country," Judge Kaufman observed.

"It was rather a sordid, dirty work—however idealistic the rationalizations of the persons engaged in it—with but one paramount theme, the betrayal of one's own country."

At no time in American history, the judge added, has this country been confronted with such a challenge to its existence as today.

"The atom bomb was unknown when the espionage statute was drafted. I emphasize this because we must realize that we are dealing with violation of destruction which can wipe out millions of Americans."

America's competitive advantage in super weapons, he continued, has not a premium on the services of a new school of spies—the hangers-on who place allegiance to a foreign power before loyalty to the U. S."

Kaufman found it ironic that the country the defendants sought to destroy has given them a fair and impartial trial, lasting three weeks.

Different to Russia.

"I recall the defendant Julius Rosenberg testifying that our American system of jurisprudence met with his approval and was preferred over Russian justice," said the judge. "Even the defendant's father, by this admission, that this type of trial would not have been afforded them in Russia. Certainly, to a Russian national because of a conspiracy to destroy Russia not one day would have been consumed in a trial."

He told the defendants that by their betrayal "you undoubtedly have altered the course of history to the disadvantage of our country."

He continued: "We have evidence of your treachery all around us every day—for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack."

"In the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate; that traffic in military secrets, whether prompted by clerical devotion to a foreign ideology, or by a desire for monetary gain, must cease."

Judge Kaufman said he had deliberated "hours, days and nights" seeking a reason for mercy, but was convinced leniency would violate the public trust lodged in him.

"It is not in my power, Julius and Ethel Rosenberg, to forgive you," he said solemnly. "Only the Lord can do mercy for what you have done."

The doomed pair had a chance to exchange only a question and answer as they were led from the room.

"How do you feel?" Rosenberg asked his wife.

"Fine," said Ethel Rosenberg. "I feel all right—if you feel all right."

He Atomic Theft.

Sentencing of Sobell was much briefer. Judge Kaufman said he didn't doubt Sobell had been engaged in espionage, but that his guilt appeared in a lesser light because no connection with the atom thefts had been shown.

So he gave Sobell 30 years—with a recommendation against honoring the term by parole. Ordinarily, the defendant might have been eligible for parole after 10 years.

Sobell listened silently, eyes fixed to the floor.

(Other pictures on page 1)



# 2 Rosenbergs To Die, Sobell Gets 30 Yrs.

By Anthony Marino and Neal Patterson

A grim warning to America's homegrown Red spies was spelled out yesterday in Federal Court when Judge Irving Kaufman imposed death sentences on Julius Rosenberg, 32, and his wife, Ethel, 35, convicted of passing to the Russians A-bomb secrets which, the jurist said, had placed the kingpin weapon in enemy hands "years before our best scientists predicted Russia would perfect the bomb."

Their co-defendant, Morton Sobell, 35-year-old electronics expert, got off with a 30-year prison term, the longest permitted by law. He escaped the death penalty because the espionage evidence against him had not involved the atom bomb.

"Your crime is worse than murder," Judge Kaufman told the couple who stood, unblinking, before him. "Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed."

He voiced belief that their conduct, in advancing Soviet preparation for A-bomb warfare and boosting Russian confidence, "has already caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason?"

The judge blasted the bespectacled Rosenberg as the "prime mover" in the conspiracy, but declared Mrs. Rosenberg was a "full-fledged partner," who encouraged and assisted him in his crime. Both, he asserted, had placed love of Communism over their love for their two children.

#### Exchange Glances.

The Rosenbergs, pale during the preliminaries, colored as Judge Kaufman began reading from a prepared text. They showed no emotion as his opening words



(NEWS photo by Bill Meurer)

Judge Kaufman in his chambers after imposing sentences on the Rosenbergs and Morton Sobell.

Mrs. Rosenberg extended her left hand to clasp her husband's right. They exchanged glances, then again faced the judge.

Mrs. Rosenberg moistened her thinly rouged lips as the judge's words made clear the coming penalty. Her husband's jaw muscles bulged slightly.

"The sentence of the court upon Julius and Ethel Rosenberg is death," Kaufman concluded, "to be executed during the week beginning May 21."

A long gasp came from specta-

# THE PRICE OF TREASON



(NEWS foto by Ed Jackson)



(NEWS foto by Bill Meurer)  
Escorted by marshal, Julius Rosenberg leaves U. S. Courthouse (A). Another deputy marshal, Ted Swain, accompanies Mrs. Ethel Rosenberg (←) from the courthouse after she had heard herself sentenced to die in the chair.



(NEWS foto by Tom Watson)  
Morton Sobell is driven from courthouse in the custody of U. S. Marshal Eugene FitzGerald (A). David Greenglass (B) is driven from courthouse in the custody of U. S. Marshal Eugene FitzGerald (A).

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## Atom Spies

(Continued from page one)

If eleven men and one woman under an indictment which charged them with conspiring to commit espionage and of transmitting information on national defense to foreign agents to be used for the advantage of the Soviet Union, Greenglass pleaded guilty to this indictment, which named as a fifth defendant Anatoli A. Yakovlev, former Soviet Vice-Consul in New York. He is now presumed to be back in Russia.

Government witnesses testified that the Rosenbergs were an integral part of a spy ring which obtained secret data on the atom bomb from Dr. Klaus Fuchs, the convicted British scientist, and other spies and passed it on to Russian agents.

### Gold Already in Jail

A chief witness was Harry Gold, Philadelphia biochemist, who said he had gone to see David Greenglass in Albuquerque, N. M., to obtain from him information which the latter had picked up as a sergeant-machinist working at the Los Alamos, N. M., atom bomb project. Gold, now serving a thirty-year prison sentence for his espionage activities, said he carried with him part of a Jello box as a means of identifying himself to Greenglass. Gold said he got his piece of the Jello box from Yakovlev, his "Soviet superior." Greenglass said he got his hair from his brother-in-law, Rosenberg.

As his relatives' chief accuser, Greenglass swore that Julius had introduced him into espionage work and that his sister had typed up the information which he, Greenglass, had brought back to New York from Los Alamos.

Although the government was unable to prove that Sobell played an active part in the Fuchs-Gold-Rosenberg-Greenglass atomic espionage ring, testimony was introduced which did show that Sobell, a radar and electronics expert, had tried to induce a former classmate

at City College to take up spy work for the Soviet Union.

The Rosenbergs were taken from the courthouse at 8:43 p. m. in a prison van with seven other prisoners. Rosenberg was taken to the Federal Detention Headquarters, at West and Eleventh Streets, and Mrs. Rosenberg to the Women's House of Detention, Tenth Street and Avenue of the Americas. Sobell, who was driven from the courthouse in a government sedan shortly after the Rosenbergs' departure, was lodged in the Tombs at 100 Centre Street.

### "Worse Than Murder"

In sentencing the Rosenbergs, Judge Kaufman told them their crime was "worse than murder." "Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed," he said. "In committing the act of murder, the criminal kills only his victim. The immediate family is brought to grief and when justice is meted out the chapter is closed."

While Judge Kaufman spoke, Rosenberg an electrical engineer, rocked back and forth on his heels and toes. Mrs. Rosenberg wrinkled her forehead.

"But in your case," the judge continued, "I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea with the resultant casualties exceeding 80,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal, you undoubtedly have altered the course of history to the disadvantage of our country."

Judge Kaufman's words came more slowly as he reached the end of his prepared text.

"I have searched the records," he said. "I have searched my conscience to find some reason for mercy, for it is only human to be merciful and it is natural to try to spare lives."

"I am convinced, however, that I would violate the solemn and

oath that the people of this land have placed in my hands were I to show leniency to the defendants Rosenberg. It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done."

It was revealed later that Judge Kaufman visited a synagogue three times this week to seek divine guidance before sentencing the Rosenbergs to death. He was reported to have been particularly disturbed about imposing the death penalty on Mrs. Rosenberg, as a mother. The judge, who appeared tired and worn in court yesterday, has had only ten hours of sleep since the spies were found guilty last Thursday.

After the Rosenbergs had been sentenced, Judge Kaufman declared a short recess. Afterward, he sentenced Sobell, saying:

"I do not for a moment doubt that you were engaged in espionage activities. However, the evidence in the case did not point to any activity on your part in connection with the atom bomb project. . . . There is no doubt about your guilt, but I must recognize the lesser degree of your implication in this offense."

Sobell heard his sentence with his hands clasped in front of him. Like the Rosenbergs, he too gave no outward sign of what he felt. His wife, Helen, who has sat in the spectators' section since the first day of the trial, was ashen-faced yesterday as she left the courtroom.

### Defense Plans

In pleading with the court for a light sentence for the Rosenbergs, Emanuel Bloch, their attorney, said his clients "have always maintained their innocence and always will maintain their innocence." He said he believed that if the Rosenbergs had been caught stealing military secrets in 1945, when the United States and Russia were allies, rather than in 1950, their case would never have come to court. He pointed out that word of Judge Kaufman's sentence would be "radioed throughout the world in three minutes" and added that he hoped the sentence would not increase "the tensions in the world today."

Judge Kaufman replied that he also had a duty to the American people—"and I feel that duty very definitely and humbly on my shoulders this morning."

Mr. Geyrol did not ask the court specifically to impose the death penalty or the maximum prison sentence, but declared that, "in terms of human life, these defendants have affected whole generations." Leniency, he said, might be considered by Communist agents as "an invitation for increased activity" because they would construe a light sentence as "an indication of weakness."

Judge Kaufman ordered the Rosenbergs executed during the week beginning May 21. He recommended against parole for Sobell.

Irving H. Saypol, United States Attorney and the chief government prosecutor in this case, said the Rosenbergs will be executed in the electric chair at Sing Sing prison, Ossining, N. Y.

Attorneys for the Rosenbergs and Sobell said they would appeal the jury's verdict to the United States Supreme Court if necessary. The Supreme Court is empowered to reverse the verdicts of the jury, but only the President of the United States can commute the sentences.

#### Greenglass Up Today

The sentencing of David Greenglass, twenty-nine, Mrs. Rosenberg's younger brother, was postponed until 2 p. m. today at the request of his attorney, O. John Rogge, who argued that he had not had enough time to prepare his plea before sentencing. Greenglass, who confessed his part in the espionage conspiracy, testified against his sister and brother-in-law during the three-week-long trial in United States District Court. He was to have been sentenced yesterday with the others.

The Rosenbergs, whose home is at 10 Monroe Street, are the parents of two sons, Michael, eight, and Robert, four, both of whom are now at a welfare home in the Bronx. Sobell lived with his wife, Helen, at 164-17 Seventy-third Avenue, Flushing, Queens, from 1947 until June, 1950. They are the parents of a daughter, Sydney, eleven, and a son, Mark, eighteen months.

The Rosenbergs and Sobell were found guilty March 29 by a jury  
(Continued on page 21, column 3)

# Death as Spy To Rosenberg And His Wife

## Judge Calls Crime Worse Than Murder

Sobell Gets 30 Years;  
Executions Would Be  
in Chair at Sing Sing

By Blaine Littell

Julius Rosenberg, thirty-two, and his wife, Ethel, thirty-five, were sentenced to death yesterday for the part they played in a Soviet espionage ring which stole atomic secrets from this country during World War II.

Morton Sobell, thirty-two, who was implicated to a lesser degree in the conspiracy to transmit military secrets to Russia, was sentenced to thirty years in prison, the maximum prison term provided by the espionage law.

The Rosenbergs heard Judge Irving R. Kaufman impose the extreme penalty at 12:08 p. m. There was no outward show of emotion.

### First Americans Doomed

They are the first American citizens in the history of American civil jurisprudence to be sentenced to death for espionage on behalf of a foreign power and according to the Department of Justice the first husband and wife sentenced to death by a Federal court. The only woman executed by Federal Court order was Mrs. Mary Surratt, a conspirator in the assassination of President Lincoln.

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# Atom Spies May Be First to Die At Sing Sing for Federal Offense

Special to the Herald Tribune

**SING SING PRISON, N. Y., April 5.**—New York State has never executed a Federal prisoner, Warden Wilfred Denno, of Sing Sing Prison, said today, and he will seek legal guidance if he is asked to put to death in the electric chair the convicted spies, Julius and Ethel Rosenberg.

Sing Sing has not housed a Federal prisoner since 1905, but Warden Denno said that he is still legally authorized to accept Federal prisoners if they are sent here. He said he had received no official notice that the Rosenbergs would be sent to Sing Sing.

United States Attorney Irving H. Saypol said in New York that Federal procedure is to follow the customs and laws of the states in which Federal prisoners are sentenced to death.

Warden Denno said that the United States Marshal would have to arrange for the execution, either with Joseph Francel, who has a contract with New York State and other states to put prisoners to death in the electric chair.

The Federal government also will have to pay for the upkeep of the prisoners, if they are kept here pending appeal and affirmation of the death sentences. In the case of Mrs. Rosenberg, the cost could be high, Warden Denno said, recalling that the tenure of Mrs. Martha Beck, last woman to be executed here, ran to \$13,264 for special services, such as women guards in the Death House.

"I would be only their legal custodian," Warden Denno said. "If they come here, I will get legal advice."

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APR 6 1951

N. Y. DIVISION

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## Spy Sentences Bring Demands To Clarify Law

Washington, April 9 (AP)—A Congressional drive to sharpen the teeth of the nation's 34-year-old espionage act arose today in the wake of death sentences imposed on two atomic spies in New York.

Top legislators of both parties agreed that the death penalties were possible only because of "unusual" legal circumstances. They said that present laws are "inadequate" to give the nation the protection it needs.

The death sentences were imposed in New York by Federal Judge Irving R. Kaufman upon Julius and Ethel Rosenberg. Both were convicted of stealing atomic secrets for Russia during World War II.

### Would 'Re-examine' Statute

In passing sentence, Judge Kaufman pointed out that the death penalty was possible only because the offenses were committed during the war. Peacetime espionage carries a maximum penalty of 30 years imprisonment.

Kaufman urged Congress to "re-examine" the espionage statute with a view to tightening it up. He said the 30-year limit would "most likely" apply "even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer type atom bombs or even the H-bomb."

The statement was disputed by Senator Brien McMahon, (D., Conn.) chairman of the Joint Congressional Atomic Energy Committee. He said the Atomic Energy Act, which he authored, carries the death penalty—upon a jury's recommendation—for atomic espionage.

But Senator Bourke B. Hickenlooper, (Iowa) ranking Republican on the committee, said the Atomic Energy Act is a "very loose and ineffective approach" to the question. He said the authors of the act did not "make an effort to write a criminal code for espionage."

"So its application is necessarily restricted," he said.

Hickenlooper said the espionage law should be re-examined with a view to extending the peacetime statute of limitations on the offense. At present, it runs to three years but there is no limitation on prosecution for an offense committed during wartime.

Senator John W. Bricker, (R., Ohio) said he believed the atomic committee of which he is a member, should examine the whole question.

"I hope that Judge Kaufman's sentence will cause other atomic spies to think twice before they move," Bricker said.

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*John W. Bricker*

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# Congressmen Consider Tougher Spy Penalties

## Open Way for Boosting 20-Year Jail Limit During Peacetime

By the United Press.

WASHINGTON, April 6.—A Congressional drive to increase penalties under the nation's 34-year-old Espionage Act arose today in the wake of death sentences for two atomic spies.

Top legislators of both parties agreed that the death penalties were possible only because of unusual legal circumstances. The death sentences were imposed in New York by Federal Judge Irving R. Kaufman upon Julius and Ethel Rosenberg. Both were convicted of stealing atomic secrets for Russia during World War II.

In passing sentence Judge Kaufman pointed out that the death penalty was possible only because the offenses were committed during the war. Peacetime espionage carries a maximum penalty of 20 years' imprisonment. Judge Kaufman urged Congress to re-examine the espionage statute with a view to tightening it up.

He said the 20-year limit would "most likely" apply "even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer-type atom bombs or even the H-bomb."

The statement was disputed by Sen. Brien McMahon (D., Conn.), chairman of the Joint Congressional Atomic Energy Committee. He said the Atomic Energy Act

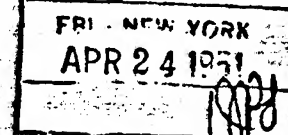
carries the death penalty for atomic espionage.

But Sen. Bourke B. Hickenlooper (Iowa), ranking Republican on the committee, said the Atomic Energy Act is a "very loose and ineffective approach" to the question. Sen. John W. Bricker (R., Ohio) said he believed the Atomic Committee, of which he is a member, should examine the whole question.

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FROM *Walter J. ...*  
BY *Walter J. ...*  
DATE APR 6 1951



# Death Sentences for 2 Atom Spies Should Dampen Red Plots in U.S.

Federal Judge Irving R. Kaufman has rendered a notable service to his country in bringing home the seriousness of the crime of espionage by pronouncing the death penalty on two of the atomic bomb spies who were convicted before him. The third spy was given a maximum imprisonment of 30 years with a recommendation against parole.

Julius Rosenberg and his wife Ethel will get precious little sympathy as they face the electric chair, the first American citizens in history to receive the death sentence under the espionage laws.

From the prosecution's point of view it is a fortunate thing that the plottings of this couple began in 1944 when this nation was still at war. Only for overt acts committed during a period of hostilities can the death sentence be imposed.

However, Judge Kaufman expressed the opinion that the statute is inadequate as it is now on the books, limiting as it does the punishment for espionage to 30 years in prison and urged that Congress re-examine these punitive provisions. We were glad to see him point out that this issue is presented in "a unique framework of history" when this nation "is engaged in a life and death struggle with a completely different system."

Because of this challenge to our existence and the fact that the atom bomb was not even known when the

espionage statute was drawn up in 1917, we believe that the judge did well to call the attention of Congress to the situation. We hope that his advice will be followed.

Seldom has there been enacted such a dramatic court scene as when the judge excoriated the convicted trio. Plain, deliberate murder, he said, is far less than the crime they committed as he expressed the belief that their giving the atomic bomb information to Russia caused Communist aggression in Korea where thousands of Americans have already been sacrificed.

"I believe," he declared, "that you have altered the course of history and in this case unfavorably to your country."

We hope that Judge Kaufman's timely words will bring home to all other Americans who have espoused the cause of Communist Russia the enormity of their crimes. It should give pause not alone to any engaged in activities similar to those of the three defendants but also to others engaged in different types of offenses such as serving as propagandists for the Russian cause in America.

Perhaps these convictions will lead to the weakening and even the collapse of some of these Communists front and other activities which are aimed solely at the ultimate destruction of this country.

TITLE

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From  
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DALED APR 6 1951

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APR 24 1951



## Chair for A-Spies Worries Sing Sing

Special to World-Telegram and Sun.

OSSING, April 5.—Warden Wilfred Denno, of Sing Sing prison, will seek legal advice if he is asked to put to death in the electric chair atomic spies Julius and Ethel Rosenberg.

A federal prisoner has never been executed in New York, he said, and Sing Sing hasn't housed a federal prisoner since 1905.

U.S. Attorney Irving H. Saypol, who prosecuted the spies, said federal procedure is to follow the customs and laws of the states in which federal prisoners are sentenced.

Warden Denno said if the Rosenbergs are sent to Sing Sing, the U.S. marshal would have to arrange for the execution with Joseph Francel, who has a contract with the state to put prisoners to death in the electric chair. The federal government will have to pay for the upkeep of the prisoners pending appeals of their death sentences.

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APR 6 1951